U.S. DEPARTMENT OF COMMERCE
National Technical Information Service
PB-290 251

Air Pollution Regulations in State Implementation Plans: Arizona

Abcor Inc., Wilmington, MA. Walden Div

Prepared for

Environmental Protection Agency, Research Triangle Park, NC

Aug 78

PB 290251

United States
Environmental Protection
Agency

Office of Air Quality
Planning and Standards
Research Triangle Park NC 27711

EPA-450/3-78-052
August 1978

Air

EPA

Air Pollution Regulations in State Implementation Plans:

Arizona

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NATIONAL TECHNICAL
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U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

TECHNICAL REPORT DATA
(Please read Instructions on the reverse before completing)

1. REPORT NO.
EPA-450/3-78-052

2.

3. RECIPIENT'S ACCESSION NO.
PB 290 251

4. TITLE AND SUBTITLE
Air Pollution Regulations in State Implementation Plans: Arizona

5. REPORT DATE
August 1978

6. PERFORMING ORGANIZATION CODE

7. AUTHOR(S)

8. PERFORMING ORGANIZATION REPORT NO.

9. PERFORMING ORGANIZATION NAME AND ADDRESS
Walden Division of Abcor, Inc.
Wilmington, Mass.

10. PROGRAM ELEMENT NO.

11. CONTRACT/GRANT NO.
68-02-2890

12. SPONSORING AGENCY NAME AND ADDRESS
Control Programs Development Division
Office of Air Quality Planning and Standards
Office of Air, Noise, and Radiation
Research Triangle Park, NC 27711

13. TYPE OF REPORT AND PERIOD COVERED

14. SPONSORING AGENCY CODE

15. SUPPLEMENTARY NOTES
EPA Project Officer: Bob Schell, Control Programs Development Division

16. ABSTRACT

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

17. KEY WORDS AND DOCUMENT ANALYSIS

a. DESCRIPTORS	b. IDENTIFIERS/OPEN ENDED TERMS	c. COSATI Field/Group
Air pollution Federal Regulations Pollution State Implementation Plans		

18. DISTRIBUTION STATEMENT
RELEASE UNLIMITED

19. SECURITY CLASS *(This Report)*
Unclassified

20. SECURITY CLASS *(This page)*
Unclassified

21. NO. OF PAGES
167

22. PRICE
PC / MF
A08 / A01

EPA Form 2220-1 (9-73)

ia EPA-450/3-78-052 Air Pollution Regulations in State Implementation Plans: Arizona

EPA-450/3-78-052

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Arizona

by

Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-052

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

ARIZONA

Submittal Date	Approval Date	Description
5/30/72	7/27/72	All State & Local Regs.
1/28/74	9/19/77	Reg. III Rule 31E for Maricopa County
2/19/74	9/19/77	Reg. R9-3-107 for the State
3/19/74	9/19/77	Reg. II Rule 2B for Pima County
9/27/74	9/19/77	Reg. R9-3-104, R9-3-801, R9-3-802, R9-3-803, R9-3-1203, R9-3-1204, R9-3-1205, R9-3-1206, R9-3-1207, R9-3-1309 for the State
2/20/75	5/11/77	Reg. I Rule 2,4D, 4E, 4J, 8G, 16C, 29, 30 for Pima County
9/30/76	7/19/77	Reg.I Rule 2; Reg. II Rule 7, 26; Reg. VI; Reg. VII; Reg. VIII; for Pima County Note: Reg. II Rule 7 A2, A3, A4, A5, are disapproved

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52.144	Prevention of Significant Deterioration

ARIZONA STATE DEPARTMENT OF HEALTH
PHOENIX, ARIZONA

SEC. 1. REPEAL

Part 7-1, Rules and Regulations for Air Pollution Control the Arizona State Department of Health Rules and Regulations is repealed.

SEC. 2. The Arizona State Department of Health Rules and Regulations are amended by adding a new Part 7-1 to read:

Rules and Regulations
For
Air Pollution Control

ARTICLE 1. GENERAL

(15.0) SEC.R9-3-101 POLICY AND LEGAL AUTHORITY

A. The intent of these regulations is to control, reduce, remove or prevent air pollution in all its forms, including all air contaminants defined in this section, originating within the State of Arizona.

B. These regulations are adopted pursuant to the authority granted by 36-1707 and 36-1717, Arizona Revised Statutes.

(1.0) SEC.R9-3-102 DEFINITIONS

A. In these regulations, unless the context otherwise requires:

1. "Air contaminants" includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.

2. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances by reason of their concentration and duration, are or tend to be injurious to human, plant or animal life, or cause damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the board of health.

3. "Air pollution control equipment" means equipment used to eliminate, reduce, or control the discharge of air contaminants into the ambient air.

4. "Air pollution source" means any physical facility, arrangement, device, contrivance, condition, or structure which may emit contaminants.

5. "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

6. "ASME" means American Society of Mechanical Engineers. All ASME test methods referenced as guides in these rules and regulations shall be the most current methods.

7. "ASTM" means American Society for Testing and Materials. All ASTM test methods referenced as guides in these rules and regulations shall be the most current methods.

8. "Btu" means British thermal unit which is the quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

9. "Closed loop operational control" means the rapid curtailment or cessation of smelter emissions in order to prevent the occurrence of ambient air concentrations in excess of the standards prescribed in Article 2. A closed loop system is composed of:

   a. Continuous air sampling and analyzing equipment in eight or more locations for effective monitoring of smelter emissions. The sampler sites shall be located at points of maximum concentration as determined by diffusion modeling procedures.

   b. Communications adequate to alert the smelter and the division to one or more predetermined pollutant levels requiring specified remedial actions at the smelter.

   c. Procedures capable of effecting rapid emission curtailment or cessation.

   d. A procedure to report the incident to the division including information on pollutant levels, local meteorology, smelter operation at the time of the incident, and smelter operational response.

10. "Combustion" means the burning of matter.

11. "Department" means the state department of health.

12. "Director" means the director of the division of air pollution control.

13. "Discharge" means the release, escape, or emission of an effluent into the ambient air.

14. "Division" means the division of air pollution control within the state department of health.

15. "Dust" is finely divided solid particulate matter occurring naturally or created by mechanical processing, handling, or storage of materials in the solid state.

16. "Effluent" is any material which is emitted and subsequently escapes into the ambient air.

17. "Emission" means the act of passing into the atmosphere an air contaminant or a gas stream, visible or invisible.

18. "Equivalent opacity scale" means a measurement index for ranking plumes in terms of opacities equivalent to opacities of the Ringelmann Scale using percent opacity as the unit of measurement.

19. "Existing source" means any source which is not a new source.

20. "Fuel" means any material which is burned for the purpose of producing energy.

21. "Fugitive dust" means uncontrolled dust.

22. "Fume" means solid particulate matter resulting from the condensation and subsequent solidification of vapors of melted solid materials.

23. "Gasoline" means any petroleum distillate having a Reid vapor pressure of four pounds or more.

24. "Hearing Board" means the state air pollution control hearing board.

25. "Heat input" is the quantity of heat in terms of Btu's generated by fuels fed into fuel burning equipment under conditions of complete combustion.

26. "Incinerator" means any equipment, machine, device, contrivance, or other article and all appurtenances thereof used for the distruction by burning of refuse, salvage material, or any other combustible material.

27. "Motor vehicle" means any self-propelled vehicle designed for transporting persons or property on public highways.

28. "New source" means any source of air pollution or potential source of air pollution, the construction or modification of which was commenced after the effective date of Federal Standards appropriately applicable to such new source. For purposes of this definition, the following terms shall have the meanings specified:

    a. "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a binding agreement or contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

b. "Construction" means fabrication, erection, or installation of an affected facility.

c. "Modification" means any physical change in, or change in the method of operation of, an affected facility which increases the amount of any air pollutant (to which a standard applies) emitted by such facility or which results in the emission of any air pollutant (to which a standard applies) not previously emitted; except that:

  (1) Routine maintenance, repair and replacement shall not be considered physical changes, and

  (2) The following shall not be considered a change in the method of operation:

    (a) An increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

    (b) An increase in hours of operation;

    (c) Use of an alternative fuel or raw material if prior to the effective date of the appropriately applicable Federal Standards, the affected facility was designed to accommodate such alternative use.

29. "Opacity"means the degree of obscuration of transmitted light.

30. "Operation" means any physical or chemical action resulting in the change in location, form, physical properties, or chemical character of a material.

31. "Particulate matter" means any finely divided liquid or solid material, other than uncombined water, as measured by Method 5 described in 40 Code of the Federal Regulations, Part 60, dated December 23, 1971 or by an approved equivalent ASME testing procedure.

32. "Percent opacity" means a unit of measurement shown on the equivalent opacity scale.

33. "Permanent production curtailment" means reduction of sulfur input on a continuing basis.

34. "Person" includes any public or private corporation, company, partnership, firm, association or society of persons, the federal government and any of its departments or agencies, the state and any of its agencies, departments or political subdivisions, as well as a natural person.

35. "Plume" means a visible effluent.

36. "Positive control" means permanent production curtailment or the

operation of emission control equipment of sulfur removal techniques, or any combination thereof.

37. "PPM" means part per million by volume.

38. "Process" means one or more operations, including equipment and technology, used in the production of goods or services or the control of by-products or waste.

39. "Process weight" means the total weight of all materials introduced into a source operation, including fuels, where these contribute to pollution generated by the process.

40. "Process weight rate" means a rate established as follows:

    a. For continuous or long-run, steady-state source operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portion thereof.

    b. For cyclical or batch source operations, the total process weight for a period which covers a complete operation or an integral number of cycles, divided by the hours of actual process operation during such period.

41. "Reid vapor pressure" means the vapor pressure of a volatile material, such as gasoline, as determined by the Reid Method (ASTM D323) or the vapor pressure at 100 degrees Fahrenheit (F°).

42. "Ringelmann chart" means a standardized device published in the U.S. Bureau of Mines Information Circular No. 8333, employing a graduated series of opacities according to the Ringelmann scale.

43. "Ringelmann number" means the unit of measurement on the Ringelmann scale.

44. "Ringelmann scale" means a standardized rank of opacities using the Ringelmann number as the unit of measurement employed when determining the opacity of a plume.

45. "Smelter feed" means all materials utilized in the operation of a copper smelter including metals, ore concentrates, fuels and chemical reagents and shall be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere.

46. "Smoke" means particulate matter resulting from incomplete combustion.

47. "Soot" means the carbonaceous particulate product of incomplete combustion which may be a component of smoke.

48. "Source operation" means the last operation or process which produces an air contaminant resulting from (a) the separation of the air contaminant from the process material or (b) the conversion of constituents of the process materials into air contaminants and which is not an air pollution abatement operation.

49. "Standard conditions" means a gas temperature of 60°F and a gas pressure of 14.7 pounds per square inch absolute.

50. "Vapor" means the gaseous form of a substance normally occurring in a liquid or solid state.

51. "Vapor pressure" means the pressure exerted by the gaseous form of a substance in equilibrium with its liquid or solid form.

52. "Volatility" means the capability of a substance to vaporize or change to the vapor form.

(2.0) SEC.R9-3-103 AIR POLLUTION PROHIBITED

A. No person shall cause, suffer, allow or permit to be discharged either directly or indirectly, into the ambient air, air contaminants from any source whatsoever in violation of the regulations in this part.

B. Nothing in these regulations shall be interpreted to prevent the discharge or emission of uncontaminated aqueous steam in the open air unless such discharge constitutes a safety hazard.

C. Nothing in these regulations shall be interpreted to prevent air pollution inside of buildings except as this relates to the ultimate release of contaminants to the ambient air.

D. Control methods utilized to comply with the requirements of these regulations shall not create air contaminants in concentrations in excess of applicable standards.

E. Notwithstanding the emission standards in these regulations, no person shall cause the ground level concentration outside the boundaries of his operation to exceed those limits contained in Article 2.

(13.0) SEC.R9-3-104 RECORDKEEPING AND REPORTING

A. The owner or operator of any stationary source shall, upon notification from the director, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the director to determine whether such source is in compliance with applicable emission limitations or other control measures.

B. The information recorded shall be summarized and reported to the director and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 - June 30 and July 1 - December 31, except that the initial reporting period shall commence on the date the director issues notification of the recordkeeping requirements.

C. Information recorded by the owner or operator and copies of the summarizing reports submitted to the director shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

D. Any records, reports or information obtained under this regulation shall be available for public inspection except as provided in A.R.S. 36-1708. In all cases quantitative and qualitative statistics pertaining to the emission of pollutants from any source or sources shall be available to public inspection and shall be correlated with applicable emission limitations.

(15.0) SEC.R9-3-105 ENFORCEMENT

These regulations shall be enforced according to the provisions of Title 36, Chapter 14, Arizona Revised Statutes.

(51.13) SEC.R9-3-107 UNLAWFUL OPEN BURNING

A. Notwithstanding the provisions of any other regulation in this article, it is unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow, or maintain any open outdoor fire.

B. "Open outdoor fire", as used in this regulation, means any combustion of combustible material of any type outdoors, in the open where the products of combustion are not directed through a flue. "Flue", as used in this regulation, means any duct or passage for air, gases or the like, such as a stack or chimney.

C. The following fires are excepted from the provisions of this regulation:

1. Fires used only for cooking of food or for providing warmth for human beings or for recreational purposes or the branding of animals or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

2. Any fire set or permitted by any public officer in the performance of official duty, if such fire is set or permission given for the purpose of weed abatement, the prevention of a fire hazard, or instruction in the methods of fighting fires.

3. Fires set by or permitted by the state entomologist or county agricultural agents of the county for the purpose of disease and pest prevention.

4. Fires set by or permitted by the federal government or any of its departments, agencies or agents, the state or any of its agencies, departments or political subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

5. Fires set for the disposal of dangerous materials where there is no safe alternative method of disposal.

D. Permission for the setting of any fire given by a public officer in the performance of official duty under paragraph 2,3, or 4 of subsection C. shall be given in writing and a copy of such written permission shall be transmitted immediately to the director of the state division of air pollution control and the control officer, if any, of the county, district or region in which such fire is allowed. The setting of any such fire shall be conducted in a manner and at such time as approved by the director of the division of air pollution control, unless doing so would defeat the purpose of the exemption.

E. Nothing in this regulation is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

ARTICLE 2. AMBIENT AIR QUALITY STANDARDS

(4.1) SEC.R9-3-201 NON-SPECIFIC PARTICULATE

A. Maximum annual geometric mean - Limit of 60 micrograms per cubic meter.

B. Maximum 24-hour arithmetic average - Limit of 100 micrograms per cubic meter.

(4.2) SEC.R9-3-202 SULFUR DIOXIDE

A. Maximum annual average - Limit of 50 micrograms per cubic meter.

B. Maximum 24-hour average - Limit of 260 micrograms per cubic meter.

C. Maximum 3-hour average - Limit of 1,300 micrograms per cubic meter.

(4.4) SEC.R9-3-203 NON-METHANE HYDROCARBONS

Limit of 80 micrograms per cubic meter.

(4.6) SEC.R9-3-204 PHOTOCHEMICAL OXIDANTS

A. One-hour average - Limit of 80 micrograms per cubic meter.

B. Peak value - Limit of 150 micrograms per cubic meter.

(4.5) SEC.R9-3-205 CARBON MONOXIDE

A. One-hour average - Limit of 40 milligrams per cubic meter.

B. Eight-hour average - Limit of 7 milligrams per cubic meter.

C. Any seven consecutive days average - Limit of 6 milligrams per cubic meter.

(4.3) SEC.R9-3-206 NITROGEN DIOXIDE

Maximum annual average - Limit of 100 micrograms per cubic meter.

(2.0) SEC.R9-3-207 EVALUATION

The evaluation of air quality in terms of procedure, methodology and concept is to be consistent with the guidelines of the Federal Environmental Protection Agency.

(2.0) SEC.R9-3-208 ANTI-DEGRADATION

These standards shall not be construed as permitting the preventable degradation of air quality in any area of the State.

ARTICLE 3. PARTICULATE EMISSIONS FROM STATIONARY SOURCES

(50.1.2) SEC.R9-3-301 VISIBLE EMISSIONS; GENERAL

Except as otherwise provided in these regulations relating to specific types of sources, the opacity of any plume or effluent shall not be as great as nor greater than that designated as No. 2 on the Ringelmann chart or percent opacity equivalent to No. 2 Ringelmann, except when the provisions of SEC.R9-3-104 apply.

(50.7) SEC.R9-3-302 FUGITIVE DUST

A. No person shall cause, suffer, allow or permit a building or its appurtenancesor open area to be used, constructed, repaired, altered, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable means.

B. No person shall cause, suffer, allow or permit the repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust palliatives, wetting down, detouring, or by other reasonable means. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earthmoving equipment, erosion by water, or by other means.

C. No person shall cause, suffer, allow or permit transportation of materials likely to give rise to airborne dust without taking reasonable precautions to prevent particulate matter from becoming airborne.

D. No person shall cause, suffer, allow or permit crushing, screening, handling, or conveying of materials or other operations likely to give rise to airborne dust without taking reasonable precautions to prevent particulate matter from becoming airborne such as spray bars and wetting agents.

E. No person shall cause, suffer, allow or permit the performance of agricultural practices including but not limited to tilling of land and application of fertilizers without taking reasonable precautions to prevent particulate matter from becoming airborne.

(51.9) SEC.R9-3-303 INCINERATION

A. Notwithstanding the provisions of SEC.R9-3-301, no person shall cause, suffer, or allow to be emitted into the atmosphere from any incinerator, smoke for more than 30 seconds in any 60 minute period the appearance, density, opacity or shade of which is as dark as No. 1 of the Ringelmann scale.

B. No person shall cause, suffer, allow or permit to be emitted into the atmosphere from any incinerator or to pass a convenient measuring point near the incinerator stack outlet particulate matter to exceed 0.17 pounds per 1,000 pounds of gases, corrected to 50 percent excess air, and calculated as if no auxiliary fuel had been used.

C. The amount of particulate matter emitted shall be determined by generally recognized standards or methods of measurement. The ASME Test Code for "Dust Separating Apparatus", PTC 21, the ASME Test Code for "Determining Dust Concentrations in Gas Streams", PTC 27, and the latest issue of the Los Angeles County Source Testing Manual shall be used as general guides, but these may be modified, adjusted, or added to by the director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

(51.20) SEC.R9-3-304 WOOD WASTE BURNERS

For a device used by the lumber industry exclusively for the burning of wood wastes the provision of SEC.R9-3-303 shall apply except during the building of a new fire not more than once each day for a period not to exceed 60 consecutive minutes. Upset time of three minutes in any one hour will not be considered a violation of these regulations.

(51.5) SEC.R9-3-305 FUEL-BURNING EQUIPMENT

A. This regulation applies to installations in which fuel is burned for the primary purpose of producing steam, hot water, hot air, or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

B. The heat content of coal shall generally be determined according to ASTM Method D-271, "Laboratory Sampling and Analysis of Coal or Coke", or ASTM Method D-2015, "Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter". These methods shall be used as guides, but may be modified, adjusted, or added to by the director to suit specific sampling conditions or needs based upon good practice, judgment and experience.

C. For purposes of this regulation the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

D. No person shall cause, suffer, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the quantity set forth in the following table:

HEAT INPUT MILLIONS OF BRITISH THERMAL UNITS (BTU) PER HOUR	MAXIMUM ALLOWABLE EMISSION OF PARTICULATE MATTER IN POUNDS PER HOUR PER MILLION BRITISH THERMAL UNITS (BTU) OF HEAT INPUT BASED UPON 24-HOUR ARITHMETIC AVERAGE
10	0.599
50	0.413
100	0.352
500	0.243
1,000	0.207
4,000	0.153
8,000	0.103
10,000	0.0909
15,000	0.0722
20,000	0.0613
40,000	0.0414
50,000	0.0364
100,000	0.0246

E. Interpolation of the data in this table for heat inputs greater than ten but less than 4,000 million Btu per hour shall be accomplished by use of the equation $Y = 1.02\ X^{-0.231}$. Interpolation and extrapolation of the data for heat inputs equal to or greater than 4,000 million Btu per hour shall be accomplished by use of the equation $Y = 17.0\ X^{-0.568}$ where Y = allowable rate of emission in pounds per million Btu and X = maximum equipment capacity rate in million Btu per hour.

F. Stack emission tests to determine the amount of particulate matter emitted shall be performed in accordance with SEC.R9-3-303 C.

(50.1.1) SEC.R9-3-306 PROCESS INDUSTRIES

A. No person shall cause, suffer, allow or permit the discharge of particulate matter into the atmosphere in any one hour from any existing source operation whatsoever, except incineration and fuel-burning equipment, in total quantities in excess of the amount calculated by the equation presented below and as illustrated by the following table on the allowable rate of emission based on process weight rate:

PROCESS WEIGHT RATE		RATE OF EMISSION	PROCESS WEIGHT RATE		RATE OF EMISSION
Lbs/Hr	Tons/Hr	Lbs/Hr	Lbs/Hr	Tons/Hr	Lbs/Hr
100	0.05	0.551	16,000	8.00	16.5
200	0.10	0.877	18,000	9.00	17.9
400	0.20	1.40	20,000	10.00	19.2
600	0.30	1.83	30,000	15.00	25.2
800	0.40	2.22	40,000	20.00	30.5
1,000	0.50	2.58	50,000	25.00	35.4
1,500	0.75	3.38	60,000	30.00	40.0
2,000	1.00	4.10	70,000	35.00	41.3
2,500	1.25	4.76	80,000	40.00	42.5
3,000	1.50	5.38	90,000	45.00	43.6
3,500	1.75	5.96	100,000	50.00	44.6
4,000	2.00	6.52	120,000	60.00	46.3
5,000	2.50	7.58	140,000	70.00	47.8
6,000	3.00	8.56	160,000	80.00	49.0
7,000	3.50	9.49	200,000	100.00	51.2
8,000	4.00	10.4	1,000,000	500.00	69.0
9,000	4.50	11.2	2,000,000	1,000.00	77.6
10,000	5.00	12.0	6,000,000	3,000.00	92.7
12,000	6.00	13.6			

Note: To use the table, determine the process weight rate as defined in SEC.R9-3-102 A. 40. Find this figure on the table, opposite which is the maximum number of pounds per hour of particulates which may be discharged into the atmosphere in any one hour. The method used for determining allowable rates of emission based on process weight tables is as follows: Interpolation of the data in the process weight table for process weight rates up to 60,000 lbs/hr shall be accomplished by use of the equation $E = 55.0\ P^{0.11} - 40$, where E = rate of emission in lbs/hr and P = process weight in tons/hr. (See following examples.)

Note: SEC.R9-3-306 (process industries) is disapproved for the Phoenix-Tucson Intrastate Region.

EXAMPLE A: Process weight = 6 tons per hour
Equation - $E = 4.10\ P^{0.67}$

$$\text{Log } E = \text{Log } 4.10 + (0.67)\ (\text{Log } 6)$$
$$\text{Log } E = 0.6128 + (0.67)\ (0.7782)$$
$$\text{Log } E = 0.6128 + 0.5214$$
$$\text{Log } E = 1.1342$$
$$E = \text{Anti-log } 1.1342$$
$$E = 13.6 \text{ pounds per hour}$$

EXAMPLE B: Process weight = 60 tons per hour
Equation - $E = 55.0\ P^{0.11} - 40.0$

$$\text{Log } (E+40.0) = \text{Log } 55.0 + (0.11)(\text{Log } 60)$$
$$\text{Log } (E+40.0) = 1.7404 + (0.11)(1.7782)$$

EXAMPLE B (CONTINUED)

$$\begin{aligned}
\text{Log } (E+40.0) &= 1.7404 + 0.1956 \\
\text{Log } (E+40.0) &= 1.9360 \\
(E+40.0) &= \text{Anti-log } 1.9360 \\
(E+40.0) &= 86.3 \\
E &= 86.3 - 40.0 \\
E &= 46.3 \text{ pounds per hour}
\end{aligned}$$

B. Stack emission tests to determine the amount of particulate matter emitted shall be performed in accordance with SEC.R9-3-303 C.

ARTICLE 4. SULFUR COMPOUND EMISSIONS

(51.11) SEC.R9-3-401 COPPER SMELTERS

A. For new smelters, the atmospheric smelter emission shall be limited to ten percent of the sulfur contained in the feed and 6,500 pounds per hour, or the reduction necessary to meet the ambient air standards, whichever is most restrictive.

B. For existing smelters, the emission standard shall be that control necessary to meet the ambient air quality standard in SEC.R9-3-202.

1. The sulfur removal by means of positive control shall equal the percent reduction determined in 3 below.

2. The difference between positive control and that necessary to meet the standards in SEC.R9-3-202 may be achieved by intermittent production curtailment such as closed loop operational control, in accordance with Section VIII of the Environmental Protection Agency Criteria for Evaluating an Intermittent Control System.

3. The percent sulfur emission control required shall be determined by use of the proportional model as follows:

$$\frac{(A - C)}{(A - B)} \times 100 = \text{the percentage reduction required by positive control.}$$

Where A = highest annual ambient air reading in the affected area as reflected in the most accurate readings available and expressed as an annual average, or, where appropriate, the highest projected concentration in the affected area, as approved by the hearing board,

B = background concentration, and

C = 80 micrograms per cubic meter

Because of the limitations in data, resolution of analytical chemical procedures, and the effect of topography, meteorology, and smokestack geometry, the results of the above equation may be modified to a maximum of ten percent of the computed sulfur reduction by using one of the two following diffusion models:

Air Quality Implementation Planning Program, Volume I, Operator's Manual, National Air Pollution Control Administration, EPA, Washington, D.C. 1970, or

Air Quality Display Model, National Air Pollution Control Administration, Department of Health, Education and Welfare, Washington, D.C. November 1969.

Subject to the approval of the division, other models believed technically more definitive or accurate may be used instead of the two named above.

4. Notwithstanding the calculations in 3 above, existing positive control techniques shall not be reduced.

5. If increased sulfur removal efficiency (S removed/S in) occurs in ore concentrate preparation as the result of improved equipment or operations the reductions in excess of the previously attained removals can be used in the computation of smelter sulfur reductions. The allowance will be based on the difference between the mean or median of one year of current operational results and the mean or median for the three consecutive years before the effective date of this regulation.

C. All nongaseous sulfur removed in the operation of a smelter is to be used in the atmospheric sulfur reduction computations including but not limited to, slag, elemental sulfur and sulfuric acid.

D. Where two or more smelters are so situated that the sulfur emissions of each may contribute significantly to violations of the standards set forth in SEC. R9-3-202, and if such standards are to be met by such smelters partially by means of intermittent production curtailment, the operators of such smelters are authorized and directed to consult with each other and to devise a plan for coordinated intermittent production curtailment that will meet the applicable standards and will allocate fairly among the participating smelters the extent and timing of the necessary intermittent production curtailment. Such a plan shall be in writing and shall be submitted for approval to the director, in the case of an application for an operating permit, or the hearing board, in the case of an application for a conditional operating permit. The director or hearing board may reject a proposed plan in whole or in part and may condition its approval upon the acceptance by the parties of specific modifications or amendments. No plan for coordinated intermittent production curtailment shall be carried out until it has been approved by the director or the hearing board.

Note: SEC.R9-3-401 is disapproved for existing copper smelters, for the Phoenix-Tuscon Intrastate Region and the Arizona portion of the Arizona-New Mexico Southern Border Interstate Region.

(51.6) SEC.R9-3-402 FUEL BURNING INSTALLATIONS

A. This regulation applies to an installation operated for the purpose of producing power with a resulting discharge of sulfur dioxide in the installation's effluent gases.

B. Steam power generating installations which are new sources shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million Btu heat input when oil is fired. Steam power generating installations which are existing sources shall not emit more than 1.0 pounds of sulfur dioxide, maximum two-hour average, per million Btu heat input when oil is fired.

C. Steam power generating installations which are new sources shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million Btu heat input when coal is fired. Steam power generating installations which are existing sources shall not emit more than 1.0 pounds of sulfur dioxide, maximum two-hour average, per million Btu heat input when coal is fired.

Note: SEC.R9-3-402 (fuel burning installations) as it pertains to existing sources, is disapproved in the Arizona portion of the Four Corners Interstate Region for steam power generating installations having a total rated capacity equal to or greater than 6,500 million Btu/hr.

(51.14) SEC.R9-3-403 SULFITE PULP MILLS

No person shall cause, suffer, allow or permit discharge into the atmosphere of an amount in excess of nine pounds of sulfur oxides, calculated as sulfur dioxide, per air-dried ton of pulp produced from a sulfite pulp mill. The total emissions shall include sulfur oxides emitted from blow pits, washer vents, storage tanks, and digester relief and recovery system.

(51.18) SEC.R9-3-404 SULFURIC ACID PLANTS

A. No person shall cause, suffer, allow or permit discharge into the atmosphere of more than 4.0 pounds of sulfur dioxide per ton of sulfuric acid produced (calculated as 100 percent H_2SO_4), maximum two-hour average, from facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge.

B. No person shall cause, suffer, allow or permit discharge into the atmosphere of more than 0.15 pounds of sulfuric acid mist per ton of sulfuric acid produced (calculated as 100 percent H_2SO_4), maximum two-hour average, expressed as H_2SO_4, from facilities that produce sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides, and mercaptans, or acid sludge.

C. This regulation shall not apply to existing sources nor to metallurgical plants or other facilities where conversion to sulfuric acid is utilized as a means of controlling emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(50.7) SEC.R9-3-405 OTHER INDUSTRIES

No person shall cause, suffer, allow or permit to be discharged into the atmosphere from any other industry not covered in prior regulations of this section reduced sulfur, which includes sulfur equivalent from all sulfur emissions including but not limited to sulfur dioxide, sulfur trioxide, and sulfuric acid, in excess of ten percent of the sulfur entering the process as feed.

ARTICLE 5. ORGANIC COMPOUND EMISSIONS FROM STATIONARY SOURCES

(51.16) SEC.R9-3-501 STORAGE OF VOLATILE ORGANIC COMPOUNDS

A. No person shall place, store or hold in any reservoir, stationary tank, or other container having a capacity of 65,000 or more gallons any gasoline or any petroleum distillate having a vapor pressure of 2.0 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is equipped with one of the following vapor loss control devices, properly installed, in good working order and in operation:

1. A floating roof consisting of a pontoon type of double-deck type roof resting on the surface of the liquid contents and equipped with a closure seal to close the space between the roof eave and tank well, a vapor balloon or vapor dome, designed in accordance with accepted standards of the petroleum industry. The control equipment shall not be used if the gasoline or petroleum distillate has a vapor pressure of 12 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. Other equipment proven to be of equal efficiency for preventing discharge of hydrocarbon gases and vapors to the atmosphere.

B. Any other petroleum storage tank which is constructed or extensively remodeled on or after the effective date of these regulations shall be equipped with a submerged filling device or acceptable equivalent for the control of hydrocarbon emissions.

(51.16) SEC.R9-3-502 LOADING OF VOLATILE ORGANIC COMPOUNDS

All facilities for dock loading of petroleum products, having a vapor pressure of 1.5 pounds per square inch absolute or greater at loading pressure, shall provide for submerged filling or acceptable equivalent for control of hydrocarbon emissions.

(51.16) SEC.R9-3-503 PUMPS AND COMPRESSORS

All pumps and compressors which handle volatile organic compounds shall be equipped with mechanical seals or other equipment of equal efficiency to prevent the release of organic contaminants into the atmosphere.

(50.4) SEC.R9-3-504 ORGANIC SOLVENTS; OTHER VOLATILE COMPOUNDS

Materials such as solvents or other volatile compounds including but not limited to paints, acids, alkalis, pesticides, fertilizer and manure, shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where means are available to reduce effectively the contribution to air pollution from evaporation leakage or discharge, the installation and use of such control methods, devices, or equipment shall be required.

ARTICLE 6. CARBON MONOXIDE EMISSIONS FROM STATIONARY SOURCES

(50.5) SEC.R9-3-601 INDUSTRIAL

No person shall cause, suffer, allow or permit discharge from any source carbon monoxide emissions without the use of complete secondary combustion of waste gases generated by any source operation.

ARTICLE 7. NITROGEN OXIDES EMISSIONS

(51.7) SEC.R9-3-701 FUEL BURNING EQUIPMENT

A. This regulation applies to an installation operated for the purpose of producing power with a resulting discharge of nitrogen oxides in the installation effluent gases.

B. Steam power generating installations which are new sources shall not emit more than 0.20 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million Btu heat input when gaseous fossil fuel is fired.

C. Steam power generating installations which are new sources shall not emit more than 0.30 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million Btu heat input when liquid fossil fuel is fired.

D. Steam power generating installations which are new sources shall not emit more than 0.70 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million Btu heat input when solid fossil fuel is fired.

(51.10) SEC.R9-3-702 NITRIC ACID PLANTS

A. No person shall cause, suffer, allow or permit discharge from any new source nitric acid plant producing weak nitric acid, which is 30 to 70 percent in strength, by either the increased pressure or atmospheric pressure process, of more than 3.0 pounds of total oxides of nitrogen per ton of acid produced, maximum two-hour average, expressed as nitrogen dioxide.

B. No person shall cause, suffer, allow or permit discharge from any existing source nitric acid plant producing weak nitric acid, which is 30 to 70 percent in strength, by either the increased pressure or atmospheric pressure process, of more than 5.5 pounds of total oxides of nitrogen per ton of acid produced, maximum two-hour average, expressed as nitrogen dioxide.

ARTICLE 8. JURISDICTION AND AUTHORITY

(15.0) SEC.R9-3-801 ORIGINAL STATE JURISDICTION AND CONTROL

The Department and Hearing Board shall have original jurisdiction and control over such air pollution matters, air pollution sources, installation permits, operating permits, conditional permits and violations that pertain to:

A. Major sources of air pollution which include all sources which are capable of generating more than seventy-five tons of air contaminants per day and all operations and activities concerning:

1. The smelting of copper ore.

2. The refining of crude oil.

B. Air pollution generated by operations and activities of all agencies and Departments of the State and its political subdivisions.

C. Air pollution generated by motor vehicles.

D. Air pollution generated by mobile or portable combustion engines, machinery and equipment which are capable, without major alteration, of being operated in more than one county.

(15.0) SEC.R9-3-802 ASSERTIONS OF JURISDICTION

Except as specified in SEC.R9-3-801, jurisdiction and control of air pollution shall be by the county or multi-county air quality control region pursuant to the provisions of Article 8, Chapter 6, Title 36, Arizona Revised Statutes. The county or multi-county air quality control regions shall relinquish jurisdiction and control over such air pollution matters, air pollution sources, installation permits, operating permits, conditional permits and violations as the Director designates and at such times as he asserts jurisdiction and control at the state level. The order of the Director which asserts state jurisdiction and control shall specify the matters, geographical area or air pollution source or sources over which the Department shall exercise jurisdiction and control. Such State authority shall then be the sole and exclusive jurisdiction and control to the extent asserted and the provisions of Chapter 14, Title 36, Arizona Revised Statutes, and these regulations shall govern except as provided therein, until jurisdiction and control is surrendered by the Director to such county or region.

(15.0) SEC.R9-3-803 DELEGATION OF AUTHORITY TO A COUNTY OR A MULTI-COUNTY AIR QUALITY CONTROL REGION

Upon written application by the Control officer of a county or multi-county air quality control region, the Director may delegate to such county or region authority to carry out any of the provisions of Chapter 14, Title 36, Arizona Revised Statutes or any of these rules and regulations for air pollution control.

ARTICLE 9. MOTOR VEHICLES; COMBUSTION ENGINES; FUELS

(15.0) SEC.R9-3-901 POLICY AND LEGAL AUTHORITY

A. The intent of these regulations is to control the release into the atmosphere of air contaminants from motor vehicles, combustion engines, and fuels in a manner that insures the health, safety and general welfare of all the citizens of the state.

B. These regulations are adopted pursuant to the authority granted by 36-1717, Arizona Revised Statutes.

(12.0) SEC.R9-3-902 VEHICULAR TESTING AND CONTROL PROGRAM

A. The emission limits shown in all standards within this section shall be measured by the Arizona vehicle-in-use inspection test.

B. The Arizona vehicle-in-use inspection test shall be run at steady speeds which correspond to 50 miles per hour, 30 miles per hour, and idle in that order. At each of the three test conditions, exhaust hydrocarbon and carbon monoxide readings shall be taken. The results for the hydrocarbon and carbon monoxide emissions shall be expressed as an average of the readings taken at the three test conditions. All tests shall be run with the engine at normal operating temperature.

C. Hydrocarbons shall be read as hexane in ppm on a non-dispersive infrared analyzer. Carbon monoxide values shall be read on a non-dispersive infrared analyzer in terms of mol percent. The hydrocarbon results and the carbon monoxide results shall be used in determining compliance with the standards in SEC.R9-3-903. A correction factor will be used to correct for altitude.

D. Any vehicle having a positive crankcase ventilation valve shall be inspected to see that the system is connected and operating. The inspection shall consist of a check of crankcase depression by means of a gauge placed over the oil filler opening. A negative pressure at idle engine speed shall be required in order to pass inspection.

E. To simulate the 30 and 50 miles per hour road speed readings as shown in subsection B., a chassis dynamometer will be used. Dynamometer and instrument specifications shall be approved by the division prior to their operation.

(12.0) SEC.R9-3-903 EXHAUST EMISSION STANDARDS

A. Subsequent to first sale, no 1968 model year or later motor vehicle which is equipped with an emission control system or device by federal motor vehicle emission control standards shall discharge into the atmosphere air contaminants in quantities in excess of the following:

1. Engine piston displacement in excess of 140 cubic inches
    a. 3.0 percent of carbon monoxide
    b. 300 parts per million of hydrocarbons
2. Engine piston displacement of 140 cubic inches and less
    a. 4.0 percent of carbon monoxide
    b. 400 parts per million of hydrocarbons

B. No passenger type motor vehicle of the 1963 through 1967 model year shall discharge into the atmosphere air contaminants in quantities in excess of the following:

1. Engine piston displacement in excess of 140 cubic inches
    a. 4.5 percent of carbon monoxide
    b. 500 parts per million of hydrocarbons
2. Engine piston displacement of 140 cubic inches and less
    a. 5.0 percent of carbon monoxide
    b. 600 parts per million of hydrocarbons

C. No passenger type motor vehicle of the 1962 model year and older shall discharge into the atmosphere air contaminants in quantities in excess of the following:

1. Engine piston displacement in excess of 140 cubic inches
    a. 5.0 percent of carbon monoxide
    b. 600 parts per million of hydrocarbons
2. Engine piston displacement of 140 cubic inches and less

a. 6.0 percent of carbon monoxide

b. 800 parts per million of hydrocarbons

(12.0) SEC.R9-3-904 RETESTING; VIOLATIONS

Operators or owners of motor vehicles which fail to meet the exhaust emission standards of this section shall be provided with a notice of excessive emissions on a form prescribed by the director. Within thirty days of such notice all defects shall be corrected or appropriate adjustments made and the motor vehicle shall be returned to the initial inspection site for retesting. Operators or owners of motor vehicles which fail to meet the standards of this section upon retesting shall be subject to the penalties provided by law.

(12.0) SEC.R9-3-905 VISIBLE EMISSIONS; GASOLINE POWERED

No person shall cause, suffer, allow or permit discharge into the atmosphere from any gasoline-powered vehicle any visible air contaminant for a period greater than ten consecutive seconds.

(12.0) SEC.R9-3-906 VISIBLE EMISSIONS; DIESEL POWERED

A. No person shall cause, suffer, allow or permit discharge into the atmosphere from any diesel-powered motor vehicle any visible air contaminant for a period greater than ten consecutive seconds which is of a shade or density equal to but not darker than that designated as No. 2 on the Ringelmann chart. Emissions that are a direct result of a cold engine start-up and all off-highway, diesel-powered vehicles shall be exempt from this regulation.

B. No person shall cause, suffer, allow or permit discharge into the atmosphere from any diesel-powered locomotive any visible air contaminant for a period greater than 40 consecutive seconds which is of a shade or density equal to but not darker than that designated as No. 2 on the Ringelmann chart, except under the following conditions:

1. for a period of four consecutive minutes or less when a locomotive engine is under load after a period of idle.

2. for a period of 30 consecutive minutes or less when starting a cold engine.

3. for periods of three consecutive minutes or less when an aggregate of not more than ten minutes in any one hour when a locomotive engine is being tested, adjusted, or broken in after being rebuilt or repaired.

4. at altitudes exceeding 5,000 feet where Ringelmann No. 2.5 shall apply.

(50.4) SEC.R9-3-907 GASOLINE VOLATILITY TESTING AND CONTROL PROGRAM

A. This regulation states the required properties of gasoline at the time and place of delivery in bulk in accordance with ASTM designation: D439-70, standard specification for gasoline. For purposes of this regulation, "in bulk" means gasoline transferred or stored prior to delivery to a retail seller.

B. Automatic variation by the seller is provided to meet the requirements of seasonal changes in temperature, depending upon the season and the locality in which the product is to be used. This is done by providing four volatility grades, A.B.C. and D. as defined in D439-70 and differentiating the use of these grades according to the months of the year.

C. The requirements enumerated in this regulation are based upon vapor pressure and shall be determined by ASTM designation: D323-58, standard method of test for vapor pressure of petroleum products (Reid method). This method of test covers the determination of the absolute vapor pressure of volatile crude oil and volatile non-viscous petroleum products except liquefied petroleum gases.

(50.4) SEC.R9-3-908 GASOLINE VOLATILITY STANDARDS

A. The seasonal distribution of the four grades of gasoline (A.B.C. and D.) shall conform to the schedule in Table 2 of D439-70 as follows:

MONTH	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
GRADE	D/C	C	C/B	B	B/A	A	A	A	A	A/B	B/C	C/D
REID VAPOR PRESSURE PSIG, MAX	13.5 or 11.5	11.5	11.5 or 10.0	10.0	10.0 or 9.0	9.0	9.0	9.0	9.0	9.0 or 10.0	10.0 or 11.5	11.5 or 13.5

B. Where alternative grades are permitted, the option shall be exercised by the seller.

ARTICLE 11. PERMITS

(3.0) SEC.R9-3-1203 REVOCATION, SUSPENSION OR MODIFICATION OF INSTALLATION AND OPERATING PERMITS

If the Director determines that the terms and conditions of an installation or operating permit are being violated or that the permit was obtained by fraud or misrepresentation, he may petition the hearing board to have the permit revoked or suspended. When circumstances warrant the Director may petition the hearing board to have an installation or operating permit modified.

(3.0) SEC.R9-3-1204 PERMIT NONTRANSFERABLE; EXCEPTION

A. An installation permit or an operating permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

B. This regulation shall not apply to mobile or portable machinery or equipment which is transferred from one location to another provided that the owner or operator of such equipment notifies the Director in writing of the transfer at least ten days before the transfer. The notification required under this paragraph shall include:

1. A description of the equipment to be transferred including the operating permit number for such equipment;
2. A description of the present location;
3. A description of the location to which the equipment is to be transferred, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
4. The date on which the equipment is to be moved; and
5. The date on which operation of the equipment will begin at the new location.

(3.0) SEC.R9-3-1205 POSTING OF PERMIT

A person who has been granted an operating permit shall firmly affix such permit, an approved facsimile of such permit, or other approved identification bearing the permit number upon such equipment for which the operating permit is issued in such a manner as to be clearly visible and accessible. In the event that such equipment is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such equipment or maintained readily available at all times on the operating premises.

(3.0) SEC.R9-3-1206 NOTICE BY BUILDING PERMIT AGENCIES

A. All agencies of the county or political subdivisions of the county that issue or grant building permits or approvals shall examine the plans and specifications submitted by an applicant for a permit or approval to determine if an air pollution installation permit will possibly be required under the provisions of these rules and regulations. If it appears possible that such installation permit will be required, the agency shall give written notice to such applicant to contact the Director and shall furnish a copy of such notice to the Director.

(3.0) SEC.R9-3-1207 EQUIPMENT COVERED

The provisions of SEC.R9-3-1201 through R9-3-1206 apply to any piece of equipment, machine, incinerator, device or other article which may cause or contribute to air pollution or the use of which may eliminate or reduce or control the emission of air pollutants, but does not include motor vehicles, agricultural vehicles or agricultural equipment used in normal farm operations, or to fuel-burning equipment which, in the aggregate with such other equipment of the applicant at the same location or property other than a one or two-family residence, is rated at less than five hundred thousand British thermal units per hour.

(3.0) SEC.R9-3-1209 PERMIT FEES

A. Prior to the issuance of an installation or operating permit or renewal of an operating permit for any equipment for which a permit is required under SEC.R9-3-1201, the applicant shall pay to the Director a fee in the amount set forth in Appendix 4 to this part.

B. Every applicant for the issuance or renewal of a conditional permit shall pay to the Director a fee in the amount set forth in Appendix 5 to this part.

RULES AND REGULATIONS
PIMA COUNTY AIR POLLUTION CONTROL DISTRICT

REGULATION I GENERAL PROVISIONS

(15.0) Rule 1. EMISSIONS REGULATED; POLICY; LEGAL AUTHORITY

A. These Rules and Regulations shall supplement and implement the Pima County Air Pollution Control District Ordinance and shall apply to all types of air contaminant emissions.

B. The purpose of these Rules and Regulations is to prevent or to reduce and control air pollution in all its forms originating within the bounded area of the Pima County Air Pollution Control District.

C. These Rules and Regulations are adopted pursuant to the authority granted by Section 36-779, Arizona Revised Statutes.

(1.0) Rule 2. DEFINITIONS

The words and phrases used in these Rules and Regulations shall have the following meanings, except where the context otherwise indicates:

a. Air contaminants - any smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, or noxious chemicals, or any other material in the outdoor atmosphere.

b. Air pollution - the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

c. Approved - approved "by the Control Officer." Any word implying acceptance, reasoning, or judgment shall mean "by the Control Officer."

d. Atmosphere - the air that envelops or surrounds the earth. Where air contaminants are emitted into a building or structure not designed specifically as a piece of air pollution control equipment, such an emission into the building or structure shall not be considered an emission into the atmosphere unless such emission subsequently is released or permitted to escape from the building.

e. Board of Supervisors - the Pima County Board of Supervisors.

f. Cause or permit - to effect by action or participation, or by command, authority, or force; or to allow, make possible, or consent to, either formally or passively.

g. Control equipment - any equipment which has the function of controlling the emissions from process, fuel-burning, or other equipment to reduce the creation of, or the emission of, air contaminants into the atmosphere, or both.

h. Control Officer - The executive head of the Pima County Air Pollution Control District, who shall be the Director of the Pima County Health Department, or his delegated representative.

i. County - Pima County, Arizona.

j. Department - the Pima County Health Department.

k. Discharge - the release, escape or emission of an air contaminant into the atmosphere so as to cause or contribute to air pollution.

l. District - the Pima County Air Pollution Control District, consisting of all area lying within the territorial limits of Pima County.

m. District Ordinance - the Pima County Air Pollution Control District Ordinance.

n. Dusts - minute solid particles released into the air by natural forces or by mechanical processes.

o. Dust suppressant - any chemical compound with specific capabilities for dust suppression. Water, under some circumstances, to be used in adequate quantities throughout the term of an operation, process or project may be accepted by the Control Officer as an approved dust suppressant.

p. Effluent - the total volume of gases, liquids, and particulate matter emitted from an emission source.

q. Emission - the passing into the atmosphere of an air contaminant or an effluent which contains or may contain an air contaminant; or the air contaminant passes to the atmosphere.

r. Equipment - any machine, equipment, incinerator, device or other article.

s. Fuel-burning equipment - any equipment, device, or contrivance and all appurtenances thereto used primarily but not exclusively, to burn any fuel for the purpose of indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

t. Fugitive dust - solid air-borne particulate matter emitted from any source other than a flue or stack.

u. Hearing Board - the hearing board of the District.

v. Incinerator - any equipment, device or contrivance and all appurtenances thereof used solely for the destruction of combustible solid or gaseous wastes by burning.

w. Mobile equipment - any equipment which is capable of being operated at more than one site location, and which is self-propelled in operation but not required to be registered under Arizona State Uniform Motor Vehicle Act.

x. Motor vehicle - a self-propelled vehicle for use on the public roads and highways of the State of Arizona, and required to be registered under the Arizona State Uniform Motor Vehicle Act.

y. Opacity - the state of a substance which renders it partially or wholly impervious to rays of light and causes obscurity of an observer's view.

z. Open outdoor fire - any combustion of combustible materials of any type outdoors, in the open where the products of combustion are not directed through a flue.

aa. Operation - any physical action, resulting in a change in the location, form, or physical properties of a material, or any chemical or mechanical action resulting in a change in the chemical composition or chemical or physical properties of a material.

bb. Particulate matter - any discrete particles of material, other than uncombined water, which are or have been carried in, suspended in, or discharged into the atmosphere as a liquid or solid, or combination thereof.

cc. Permit unit - a unit consisting of an item of equipment which is operated separately or two or more items of equipment which are operated as a functional unit for the processing of material and are physically united by conveyor, chute, duct, pipe or hose for the movement of process material. A permit unit shall be considered as encompassing all the equipment used from the point or points of initial material feed to the point or points of termination where the process flow of material will be or can be interrupted, or to the point or points of discharge where such discharge will be stored, go into a different permit unit group, be physically separated from the equipment of the permit unit group, or be discharged into the atmosphere.

dd. Person - any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of the State, the Federal government, or any legal successor, representative, agent or agency of the foregoing.

ee. Portable equipment - any equipment which is capable of being operated at more than one site location and which is not self-propelled in operation.

ff. Process - a continuous operation or treatment (as in manufacture).

gg. Process weight - the total weight of all materials introduced into a source operation, including solid fuels, but excluding liquids and gases used solely as fuels, and excluding air introduced for purposes of combustion.

hh. Process weight rate - the total process weight for a representative period of operation divided by the number of hours of that period, excluding any time during which the equipment is idle.

ii. Regulations - one of the major groupings of the rules of the District.

jj. Ringelmann Chart - a chart for grading the appearance, density, or shade of a stack plume, as published, with instructions for use, by the U.S. Bureau of Mines Information Circular 8333.

kk. Rule - a rule of the District.

ll. Source - any physical arrangement, facility, structure, activity, or person that may emit air contaminants.

mm. Submerged fill pipe - any fill pipe or nozzle which meets any of the following conditions:

1. The bottom of the fill pipe or nozzle is below the surface of liquid in the receiving vessel for at least 55% of the volume filled.

2. The bottom of the fill pipe or nozzle is less than six inches from the bottom of the receiving vessel.

3. The bottom of the fill pipe or nozzle is less than two pipe or nozzle diameters from the bottom of the receiving vessel.

4. Other conditions acceptable to the Control Officer.

nn. Written report - a written report "to the Control Officer." Any report, plan, record, data, or other information implied to be submitted shall mean "to the Control Officer."

oo. Temporary Burning - any open burning other than agricultural burning for which a permit may be issued in accordance with Regulation II, Rule 8.

pp. Mining Activity - any activity involving earthmoving operations for the primary purpose of extraction of minerals from the earth such as (but not limited to) sand, gravel, aggregate, limestone, rock or ore.

qq. Scrap Metal Sweater - a furnace designed to melt metallic scrap for the purpose of recovering metal.

rr. Paved Parking Lot - any geographical area which has been covered with asphalt or cement type concrete or chemical stabilizing agents in such a way and maintained to such an extent that normal use of the area by any motorized vehicle does not produce visible emission of dust or other particulate matter from the paved surface. (For the purpose of this definition, occasional deposits of wind-blown dust or dust resulting from erosion by rainfall or flooding or sweepings of street cleaning operations onto the surface of the area to be excluded in the determination of visible emissions from the surface.)

ss. Unpaved Parking Lot - any geographical area that is regularly used for the parking of vehicles, and which cannot be classified as a paved parking lot according to the definition stated in paragraph rr of this rule.

tt. Device, Machine, Equipment, or Other Article - any assembly mechanism, or activity which may cause or contribute to air pollution or which is used primarily to prevent the emission of air pollutants.

uu. Shutdown - the cessation of operation of any process, fuel-burning or control equipment, or related operating equipment for any purpose.

vv. Startup - the setting in operation of any process, fuel-burning or control equipment, or related operating equipment, to a point where the affected facility or process is operating in the planned or normal manner. Startup may be a single smooth sequence of events, or alternatively, may require several attempts and is not necessarily of predictable duration.

ww. Malfunction - any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventible equipment breakdown shall not be considered malfunctions.

xx. Scheduled Maintenance - normal, intermittent operations of a routine maintenance nature which are necessary to insure the operational reliability of an installation.

yy. Ambient Air - that portion of the atmosphere, external to buildings, to which the general public has access.

(2.0) Rule 3. STANDARD CONDITIONS

Standard conditions are a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. Results of all analyses and tests shall be calculated and reported at this gas temperature and pressure.

(3.0) Rule 4. PERMITS; EXCEPTIONS; APPLICATIONS; FEES

A. Any person erecting, installing, replacing or making a major alteration to any machine, equipment, incinerator, device or other article which may cause or contribute to air pollution or the use of which may eliminate or reduce or control the emission of air pollutants, shall first obtain an installation permit from the Control Officer. An installation permit shall remain in effect until the operating permit for such equipment is granted or denied or the application is cancelled. The provisions of this rule shall not apply to motor vehicles, to agricultural vehicles or agricultural equipment which, in the aggregate with other such equipment of the applicant at the same location or property other than a one or two-family residence, is rated at less than five hundred thousand British Thermal Units per hour.

B. Before any equipment described in Action A of this Rule, in existence or in operation at the time of, or subsequent to, the effective date of these Rules and Regulations, may be operated or used, an operating permit shall be obtained in writing from the Control Officer. No such operating permit shall be granted either by the Control Officer or the Hearing Board for such equipment as described in Section A of this rule that is or has been constructed or installed without an installation permit until the necessary information is presented to the Control Officer, an installation permit is obtained, and such equipment is altered, if necessary, and made to conform to the applicable standards.

C. Every application for an installation permit or an operating permit shall be filed in the manner and form prescribed by the Control Officer, and shall contain all the information necessary to enable the Control Officer to make the determination to grant or deny such application. The Control Officer may require that such application include all equipment that is used by the applicant in a certain process or a single facility or location. Before acting on an application for an installation permit or an operating permit, the Control Officer may require the applicant to furnish further information or further plans or specifications. The Control Officer shall act, within a reasonable time, not to exceed thirty days, on such applications and shall notify the applicant in writing of his approval or denial of such application; provided, however, that the Control Officer may have a reasonable period of time, not to exceed six months from the effective date of this section, in which to gather information, inspect premises, and issue such permits.

D. Permits issued pursuant to this rule may be issued subject to such terms and conditions as the Control Officer deems necessary for the control of air pollution and subject to payment of permit fees in accordance with the fees of Rule 4E, Rule 4J, and Rule 30. Equipment operating permits issued pursuant to these rules shall be renewed annually on the anniversary date of the issuance of the permit, subject to compliance with these Rules and Regulations and the provisions of the District Ordinance upon payment of annual renewal fee. Where an operating permit is granted for equipment erected, installed, or replaced on the site location of an existing operating permit of the same permittee, the annual renewal date of the new permit shall be the anniversary date of the existing permit and the operating permit fee shall be prorated from the date of issuance of that anniversary date. The funds received for permits issued pursuant to these Rules and Regulations shall be deposited in a special Pima County Air Pollution Control District fund and shall be used by the Control Officer to defray the costs incurred pursuant to the District Ordinance or these Rules and Regulations.

E. No person shall cause or permit the use of any equipment to clear or level land, or engage in earthmoving, including excavation, demolition, blasting, trenching, or road construction until he has ascertained that a land preparation, earthmoving, demolition, blasting, trenching, or road construction permit has been issued by the Control Officer on forms of the District. The permit may be issued subject to the conditions that the permittee employ such dust control measures as the Control Officer deems reasonably necessary for the control of air pollution during the use of such equipment, and afterward for such extended period as the Control Officer may designate. The permits for these activities may be obtained by either the owner, lessee, developer, or prime contractor. The provisions of this rule shall not apply to:

a. normal cultural farm practices

b. trenching for distances aggregating less than 300 feet in one contiguous area.

c. earthmoving or land preparation activities where the total contiguous area is one acre (43,560 sq.ft.) or less

Permits for these activities shall be issued subject to payment of permit fees according to the following schedules:

SCHEDULE A

Earthmoving and Land Preparation Activities

One dollar and fifty cents per acre with a minimum fee of $15.

SCHEDULE B

Demolition Activities

Total Interior Floor Areas under Roof- in Square Feet* Per Each Individual Structure to be Demolished	Fee $
Less than 2,500	15
2,500 to 5,000	26
Greater than 5,000	38

*Floor areas to be aggregated for multi-story buildings

SCHEDULE C

Trenching Activities*

Eight dollars per 1,000 feet of aggregated length of trenching in any one contiguous area with a minimum fee of $15.

*This fee schedule shall not apply when a valid earthmoving permit (Schedule A) has been issued covering the same location or property.

SCHEDULE D

Blasting Activities and/or Charge Hole Drilling*

Eleven dollars plus $1.50 per each day on which blasting is to be conducted.

*This schedule shall not apply to blasting activities associated with mining operations requiring a mining activity operating permit as defined in Schedule III, Rule 4J, Regulation I.

SCHEDULE E

Earth Moving Activities for Road Construction Only*

Four dollars per thousand feet of length with a minimum fee of $15.

*This fee schedule shall not apply when a valid earth moving permit (Schedule A) has been issued for the same location or property.

F. No permit shall be valid until the applicable permit fee has been received and the permit issued by the District. An operating permit shall be automatically revoked on the anniversary date of the issuance of the permit if the permit renewal fee has not been received by the District by that date and the Control Officer shall so notify the permittee by registered or certified mail.

G. No person shall cause or permit the use or operation of a new or existing source if the Control Officer has denied or revoked the permit for the source.

H. The issuance of permits and the approval of plans under these Rules and Regulations shall not relieve the permittee from compliance with any law or these Rules and Regulations, nor does any other law or building permit relieve any person from obtaining an installation permit, an operating permit, or a land preparation; earth moving; demolition permit required under these Rules and Regulations.

I. An open burning permit shall be required for any open burning authorized under the exceptions in Rule 8 of Regulation II of these Rules and Regulations.

(3.0) Rule 5. APPLICATIONS FOR PERMITS

A. The Control Officer shall deny an installation permit or an operating permit if the applicant does not show that every such equipment described in Section A of Rule 4, the use of which may cause or contribute to air pollution, or the use of which may eliminate or reduce or control the emission of air pollutants, is so designed, controlled, or equipped with such air pollution control equipment that it may be expected to operate without emitting, or without causing to be emitted, air contaminants in violation of the provisions of the District Ordinance or these Rules and Regulations.

B. A separate permit application shall be filed and a separate fee shall be paid for each permit unit of basic equipment and for each permit unit of air pollution control equipment.

C. Prior to acting on an application for an operating permit or to renewing an operating permit, the Control Officer may require the applicant or permittee to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the equipment described in the application or the permit. In the event of such a requirement, the Control Officer shall notify the applicant or permittee in writing of the type and characteristics of such facilities.

D. In acting upon an application for an operating permit, if the Control Officer finds that such equipment described in Section A of Rule 4 has been constructed not in accordance with the installation permit, he shall deny the application for such operating permit, the Control Officer shall not accept any further application for an operating permit for such equipment so constructed until he finds that such equipment has been reconstructed in accordance with the installation permit.

E. In the event of denial of an installation permit or an operating permit, the Control Officer shall notify the applicant in writing of reasons for such denial. Service of this notification may be made in person or by registered or certified mail, and such service may be proved by the written acknowledgment of the person served or affidavit of the person making the service. The Control Officer shall not accept a further application unless the applicant has corrected the reasons for the objections specified by the Control Officer as reasons for such denial.

J. Owners or operators of air pollution emissions sources in the categories shown in the following fee schedules shall obtain Racing Event Site Operating Permit or an Unpaved Parking Operating Permit or a Mining Activity Operating Permit in writing from the Control Officer prior to engaging in any of the type of activities identified by the applicable fee schedule. Every application for a Racing Event Site Operating Permit or an Unpaved Parking Lot Operating Permit or a Mining Activity Operating Permit shall be filed in the manner and form prescribed by the Control Officer and shall contain all the information necessary to enable the Control Officer to make the determination to grant or deny such application. Before acting on such applications, the Control Officer may require the applicant to furnish information on the activity such as the number of vehicles involved in the activity, etc. Existing source shall be required to obtain these permits withing 120 days after the effective date of this regulation, and new activities shall obtain the operating permits prior to engaging in any of the activities described. In cases where it is not practicable for the applicant to compile the information required for the permits within 120 days, the time allowable for these particular permits may be extended by the Control Officer for reasonable cause. These permits shall be issued subject to payment of an annual permit fee in accordance with the following fee schedules:

SCHEDULE I

RACING EVENT SITE OPERATING PERMITS

Racing Event Site Operating Permits are required under this schedule for Racing Event Sites which include unpaved areas used by animals or vehicles. The permit shall apply to racing areas, parking areas, roadways, and stable or exercise areas used by the racing complex.

Annual permit fees shall be assessed in the amount of $55 for each event site location.

SCHEDULE II

UNPAVED PARKING LOT OPERATING PERMITS*

Unpaved Parking Lot Operating Permits are required under this schedule for unpaved parking lots capable of providing parking spaces for more than five motor vehicles.

Size	Annual Fee $
Less than one acre	20
1 acre or greater	40

*This schedule shall not apply if a valid permit has been issued under Schedule I covering the same location or property.

SCHEDULE III

MINING ACTIVITY OPERATING PERMITS

Mining Activity Operating Permits are required under this schedule for all mining activities capable of emitting dust or other particulate matter to the atmosphere. These permits apply to the earth moving activities associated with the use of mobile or stationary equipment, roads, and all other activities in the mine pit directly related to the mining phase of the operation. (Permits are not required for the equipment used during the primary earth moving operations. Equipment used in the subsequent handling and/or processing of the mined material may rquire separate operating permits according to schedules contained in Regulation I, Rule 30.)

Amount of Material Mined Annually	Fee $
0 to 50,000 cubic yards	20
Greater than 50,000 cubic yards	20 plus 7.5¢ per 1,000 cubic yards of material in excess of 50,000 cubic yards

For mining activities which are conducted with blasting, an additional fee shall be assessed at the rate of $1.50 per each day on which blasting occurs.

The initial annual fees for mining and blasting activities shall be based upon the applicant's estimate of the amount of material to be mined annually and the number of days on which blasting will be performed during the term of the permit. If the actual amount of material mined or the actual number of days on which blasting was done exceeds the estimate, additional fees shall be assessed in accordance with Schedule III after the permit has expired. Permits issued under this schedule shall be renewed annually. Operators of mining and blasting activities shall submit records or other information to the Control Officer within 30 days after the permit expiration date showing the approximate actual amount of material mined during the year and the number of days on which blasing occurred.

(16.0) Rule 6. APPEALS TO HEARING BOARD

Within ten days after notice is given by the Control Officer of denial or revocation of an installation permit or an operating permit, the applicant may petition on the Hearing Board, in writing, for a public hearing, which shall be held within thirty days after receipt of the petition. The Hearing Board, after notice and a public hearing, may sustain, or modify or reverse the action of the Control Officer.

(3.0) Rule 7. NONTRANSFERABLE: EXPIRATION

A. An installation permit or an operating permit shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another.

B. An installation permit shall expire two years from the date of its issuance.

(3.0) Rule 8. PERMIT REVOCATION

A. A permit may be revoked for any arbitrary or unreasonable denial of access for inspection or testing purposes, or if it is determined by the Control Officer, by technically valid sampling and measurements, the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from any equipment described in the permit is in violation of any law or these Rules and Regulations.

B. In the event of revocation of a permit the Control Officer shall notify the permittee in writing of the reasons therefore and revocation shall become final 10 days after service of notification. Service of this notification may be made in person or by registered or certified mail.

C. Revocation of a permit may be cancelled by the Control Officer in the 10 day period before becoming final when the source owner or operator has corrected the reasons for the permit revocation to the Control Officer.

D. A permit which has been revoked shall be surrendered to the Control Officer when revocation of the permit has become final.

E. When revocation of a permit has become final, the Control Officer shall not accept any application for a permit for the equipment involved until he finds that the applicant has corrected the reasons for the permit revocation.

F. Revocation of an installation or operating permit shall be stated by the permittee's written petition for a hearing, filed in accordance with Rule 6, until final determination by the Hearing Board.

G. When the Control Officer or his deputies revokes any permit because of failure to comply with any of these Rules or Regulations, the Control Officer shall not refund any fees paid for any unused portion of the permit term. If the Control Officer subsequently determines that the source has corrected the conditions that caused the revocation and approves an application for a new operating permit, a new fee shall be assessed in accordance with the appropriate fee schedule.

(3.0) Rule 9. POSTING OF PERMIT

A. A person who has been granted an installation permit shall display such permit in a suitable conspicuous place at the site, reasonably close to the equipment, and readily accessible to personnel from the District.

B. A person who has been granted an operating permit shall firmly affix such permit, an approved facsimile of such permit, or other approved identification bearing the permit number upon such equipment for which the operating permit is issued in such a manner as to be clearly visible and accessible. In the event that such equipment is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such equipment, or maintained readily available at all times on the operating premises.

(3.0) Rule 10. NOTICE OF BUILDING PERMIT AGENCIES

A. All agencies of the county or political subdivisions of the county that issue or grant building or land use permits or approvals shall examine the plans and specifications submitted by an applicant for a permit or approval to determine if an air pollution installation permit or land preparation; earth moving; demolition permit will possibly be required under the provisions of these Rules and Regulations. If it appears possible that such installation permit or land preparation; earthmoving; demolition permit will be required, the agency shall give written notice of such applicant to contact the Control Officer and shall furnish a copy of such notice of the Control Officer.

(13.0) Rule 11. CLASSIFICATION AND REPORTING

A. The Board of Supervisors by these Rules and Regulations shall classify air contaminant sources according to levels and types of emissions and other characteristics which relate to air pollution, and shall require reporting for any such class or classes. Reports may be required as to physical outlets, processes and fuels used, and the nature and duration of emissions and as to such other information as is relevant to air pollution and deemed necessary by the Board.

B. When the Control Officer has reasonable cause to believe that any person is violating any provision of the District Ordinance or any of these Rules and Regulations or any requirement of an operating or conditional permit issued pursuant to the District Ordinance of these Rules and Regulations he may request, in writing, that such person forthwith produce all existing books, records and other documents evidencing tests, inspections, or studies which may reasonably relate to compliance or noncompliance with these Rules and Regulations.

C. The owner, lessee, or operator of a potential air contaminant source shall provide, install, maintain, and operate such air contaminant monitoring devices as are reasonable and required to determine compliance in a manner acceptable to the Control Officer, and shall supply monitoring information as described in writing by the Control Officer. Such devices shall be available for inspection by the Control Officer during all reasonable times.

D. Any records or other information furnished to or obtained by the Board of Supervisors, or the Control Officer, concerning one or more air pollution sources, which records and information relate to production or sales figures or to the processes or production unique to the owner or operator, or which would tend to adversely affect the competitive position of such owner or operator, shall be only for the confidential use of the Board of Supervisors, or the Control Officer, in the administration of the District Ordinance, unless such owner or operator shall expressively agree to their publication or availability to the public. No provision of this rule shall be construed to prohibit the appropriate governmental agency from publishing quantitive and qualitive statistics pertaining to the emission of pollutants.

E. Any person violating the provisions of this rule or knowingly or willfully submitting false information submitting false information reports or records to the Board of Supervisors or the Control Officer is guilty of a misdemeanor punishable as provided in Rule 25.

(15.0) Rule 12. VIOLATIONS; ORDER OF ABATEMENT; TIME FOR COMPLIANCE

A. When the Control Officer has reasonable cause to believe that any person is violating any provision of the District Ordinance or any of these Rules and Regulations or any requirement of an operating or conditional permit issued pursuant to the District Ordinance or these Rules and Regulations, he may forthwith serve upon such person by registered or certified mail or in person an order of abatement, or may file a complaint alleging violation pursuant to Rule 25 of this Regulation, or both. The order shall state with particularity the act being done that constitutes the violation, shall state in its entirety the certain requirement, provision or Rule or Regulation being violated, and that the alleged violator is entitled to a hearing if such hearing is requested in writing within twenty days after the date of issuance of the order. The order may be conditional and require a person to refrain from the particular acts unless certain conditions are met.

(16.0) Rule 13. HEARINGS ON ORDERS OF ABATEMENT

A. An order of abatement issued by the Control Officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made pursuant to Rule 12 unless the person or persons named in such order shall have made a timely request for a hearing before the Hearing Board. If a hearing is requested, the Hearing Board shall hold the hearing within thirty days from receipt of the request unless such time is extended by the Hearing Board. Written notice of the time and place of the Hearing shall be sent by the Hearing Board to the person or persons requesting the hearing and to the Control Officer at least fifteen days before the hearing.

B. If the Board, after the hearing, determines that the act or acts set forth in the order constitute a violation of any provision of the District Ordinance or of these Rules and Regulations or any requirement of an operating or conditional permit issued pursuant to the District Ordinance or these Rules and Regulations and that no conditional permit is justified, the Board shall affirm or modify the order of abatement. The order may be conditional and require a person to refrain from the particular acts or acts unless certain conditions are met.

(3.0) Rule 14. CONDITIONAL PERMIT; STANDARDS

A. The Hearing Board may grant to any person one conditional permit for each air pollution source which allows such person to vary from certain requirements of these Rules or Regulations if the Hearing Board finds that additional time is needed for compliance and, upon the basis of evidence presented to it, that the conditional permit, if granted, will not unduly endanger human health or safety either directly or indirectly.

(3.0) Rule 15. PETITION FOR CONDITIONAL PERMIT; PUBLICATION; PUBLIC HEARING

A. A person who seeks a conditional permit shall file a petition with the Hearing Board. Within thirty days after the filing of a petition for conditional permit, the Hearing Board shall set a hearing date. The hearing date shall be within sixty days after the filing of the petition.

B. Notice of the filing of a petition for conditional permit and of the hearing date on said petition shall be published in the manner provided in Rule 21.

C. The hearing on the petition for the conditional permit shall be public.

(3.0) Rule 16. DECISIONS ON PETITIONS FOR CONDITIONAL PERMIT; TERMS AND CONDITION OF CONDITIONAL PERMITS

A. Within thirty days after the conclusion of the hearing on the petition for a conditional permit, the Hearing Board shall deny the petition or grant the petition on such terms and conditions as it deems appropriate.

B. The terms and conditions which are imposed as a condition to the granting or the continued existence of a conditional permit shall include but not be limited to:

1. A detailed plan, not to exceed one year in duration, for completion of corrective steps needed to conform to the requirements of these Rules and Regulations and the provisions of the District Ordinance.
2. Such written reports as may be required.
3. The right to make periodic inspection of the facilities for which the conditional permit is granted.

C. The fee for a conditional permit shall be twice the amount of the annual operating permit fee for such equipment and shall be deposited in the special Pima County Air Pollution Control District fund.

(3.0) Rule 17. TERM OF CONDITIONAL PERMIT

A conditional permit, and any extension thereof, shall be valid for such period as the Hearing Board prescribes but in no event for more than one year from the date of initial issuance.

(3.0) Rule 18. SUSPENSION AND REVOCATION OF CONDITIONAL PERMIT

If the terms and conditions of the conditional permit are being violated, the Control Officer may seek to revoke or suspend the conditional permit granted. In such event, the Control Officer shall serve notice of such violation on the holder of the conditional permit in the manner provided in Rule 21. The notice shall specify the nature of such violation and the date on which a hearing will be held by the Hearing Board to determine if such a violation has occurred and whether the conditional permit should be suspended or revoked. The date of said hearing shall be within thirty days from the date said notice is served upon the holder of the conditional permit.

(16.0) Rule 19. DECISIONS OF HEARING BOARD; SUBPOENAS; EFFECTIVE DATE

A. All decisions of the Hearing Board, including the majority opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

B. A majority of the total membership of the Hearing Board shall concur in a decision for it to have effect.

C. The chairman, or, in his absence, the vice chairman may issue subpoenas to compel attendance of any person at a hearing and require the production of books, records, and other documents material to a hearing. Obedience of subpoenas may be enforced pursuant to A.R.S. Section 12-2212.

D. Subject to the approval of the Board of Supervisors, the Hearing Board may adopt a manual of procedures governing its operation.

E. Decisions of the Hearing Board shall become effective not less than thirty days after they are issued unless:

1. A rehearing is granted which shall have the effect of stating the decision.
2. It is determined that an emergency exists which justifies an earlier effective date.

F. The Hearing Board may revoke or modify an order of abatement, a permit or a conditional permit only after first holding a hearing within thirty days from the giving of notice of such hearing as provided in Rule 21.

(16.0) Rule 20. JUDICIAL REVIEW; GROUNDS; PROCEDURES

A. Judicial review of Hearing Board decisions shall be pursuant to the provisions of Arizona Revised Statutes, Title 12, Chapter 7, Article 6, except as provided in this rule.

B. Within thirty days after service of notice of a final decision or order of the board, or an order denying a rehearing timely applied for, any person who was a party of record in the proceedings before the board, including the Control Officer or department authorized or designated to enforce air pollution regulations, may appeal therefrom to the Superior Court in the County in which the hearing was conducted and the scope of such review shall be determined pursuant to A.R.S. Section 12-910.

C. A notice of appeal, designating the grounds therefore, and a demand in writing for a certified transcript of the testimony and exhibits shall be filed with the court and served on the board. After receipt of the demand, accompanied by payment of a fee of the current prevailing rate for transcript, and one dollar for certification thereof, the board shall make and certify the transcript and file it with the Clerk of the Court to which the appeal has been taken within thirty days, unless extended by agreement of the parties or order of the court.

D. When an appeal is taken from an order or decision of the board, such order or decision shall remain in effect pending final determination of the matter, unless stayed by the court, on a hearing after notice to the board and upon a finding by the court, that there is probably cause for appeal and that great or irreparable damage may result to the petitioner warranting such stay.

E. An appeal may be taken to the Court of Appeals from the order of the Superior Court as in other civil cases. Proceedings under this section shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

(16.0) Rule 21. NOTICE OF HEARING; PUBLICATION; SERVICE

A. Any notice of hearing required by the District Ordinance or these Rules or Regulations shall be given by publication of a notice of hearing for at least two times in a newspaper of general circulation published in Pima County and by posting copies of the petition and notice in at least three conspicuous places in the county.

B. If the hearing involves any violation of these Rules and Regulations or a conditional permit therefrom then, in addition to the requirements of Section A of this rule, the Control Officer shall be notified and the person allegedly committing or having committed the violation or requesting the conditional permit shall be served personally or by registered or certified mail at least fifteen days prior to the hearing with a written notice of hearing.

(16.0) Rule 22. HEARING BOARD FEES

A. Every petitioner for a hearing for any purpose before the Hearing Board, except a state or local governmental agency or public district, shall pay to the secretary of the Hearing Board, on filing, a fee in the sum of $35.00.

B. Any person, except the Control Officer, requesting a transcript of the hearing shall pay the cost of such transcript.

(15.0) Rule 23. INJUNCTION RELIEF

Upon the failure or refusal of a person to comply with an order of abatement by the Hearing Board or the Control Officer in cases where an order for abatement has become effective, the Control Officer may file an action in the Superior Court of the county to restrain and enjoin the person engaging in further acts violating the order of abatement. The court shall proceed as in other actions for injunctions. In the preliminary hearing in an action for an injunction or restraining order brought pursuant to the District Ordinance, any findings of the Hearing Board shall be prima facie evidence of the fact or facts found therein until rebutted.

(2.0) Rule 24. PRECEDENCE OF ACTIONS

For the benefit of the people of the state, court actions and proceedings brought under the District Ordinance or these Rules and Regulations shall be given precedence and brought to trial ahead of other litigation concerning private interests and other matters that do not affect public health and welfare.

(15.0) Rule 25 MISDEMEANOR; PENALTY

Any person who violates any provision of the District Ordinance or these Rules and Regulations or any effective order of abatement issued pursuant to the District Ordinance or these Rules and Regulations is guilty of a misdemeanor punishable by imposition of a fine of not less than fifty dollars or more than three hundred dollars per day for each day the violation continues. Each day of violation shall constitute a separate offense. Peace officers and the Control Officer and his deputies shall have the authority to issue a notice to appear under the same conditions and procedures set forth in A.R.S. Section 13-1422 for a violation of any provision of the District Ordinance or these Rules and Regulations or any effective order of abatement issued pursuant to the District Ordinance or these Rules and Regulations.

(2.0) Rule 26. DEFENSES

Violations under Rule 25 shall be Malum Prohibitum. Lack of criminal intent shall not constitute a defense to such violations.

(2.0) Rule 27. PRESERVATION OF RIGHTS

It is the purpose of the District Ordinance to provide additional and cumulative remedies to prevent, abate, and control air pollution in the county. Nothing contained in the District Ordinance shall be construed to abridge or alter rights of action or remedies in equity under the common law or statutory law, criminal or civil, nor shall any provisions of the District Ordinance, or any act done by virtue thereof, be construed as stopping the State or any municipality, or owners of land from the exercise of their rights in equity or under the common law or statutory law to suppress nuisance or to abate pollution.

(3.0) Rule 28. FILING FEES

A. When an applicant files an application for an installation permit a filing fee of $10.00 shall be paid on application submittal and the Control Officer shall not act on such application until the filing fee is paid.

B. The filing fee shall be applied to the installation permit fee on permit issuance. No refund will be made in the event no installation permit is issued.

(3.0) Rule 29. PERMIT FEES

A. Every applicant for an equipment installation permit or an equipment operative permit for any equipment for which a permit is required under Rule 4 shall pay a permit fee in the amount prescribed in the following schedules. If a valid activity operating permit has been issued by the Control Officer for the activity in accordance with Regulation I, Rule 4J, equipment operating permits are not required.

B. Before a permit is issued a statement of the fee to be paid therefore shall be mailed to the applicant. If the fee is not received within 30 days after the statement is mailed, the application shall be deemed withdrawn and cancelled and the Control Officer shall so notify the applicant by mail.

C. Where an application is filed for a new installation permit exclusively involving the transfer of location of stationary equipment previously covered by an operating permit granted under Rule 4, the applicant shall pay an installation permit fee of only $10. A new operating permit granted for operation at the new location shall be subject to the provisions of Section D of Rule 4.

D. Where an application is filed for a new installation permit exclusively involving major alterations resulting in a change to any equipment, then covered by an operating permit under the provisions of Rule 4, the applicant shall pay an installation permit fee of only $10. Where a new operating permit is granted because of these alterations to equipment, the initial operating permit fee shall be $10 and the annual renewal fee shall be calculated on the basis of the new ratings and shall continue to be due and payable on the anniversary date of the original permit.

E. Where an application is filed for a new operating permit exclusively involving a change in owner or operator and the permit is granted, the permit shall be subject to the provisions of Section D of Rule 4.

F. In the event that more than one fee schedule is applicable to a permit, the governing schedule shall be that which results in the higher fee.

G. A request for a duplicate permit shall be made in writing to the Control Officer within 10 days after the destruction, loss or defacement of a permit. It should contain the reason for which a duplicate permit is being requested. A fee of $5 shall be charged for issuing a duplicate permit.

H. (REPEALED) (December 1974)

I. Fees paid in excess of the amount required or fees paid by mistake may be refunded on proper claim filed within one year after payment. Changes in fee schedules shall not be retroactive.

J. The annual renewal fee for an operating permit under Rule 4 shall be the prescribed operating permit fee under current fee schedules. If the renewal fee is not paid by the anniversary date of the permit, the permit shall be automatically revoked and the Control Officer shall so notify the permittee by registered or certified mail.

K. Where authority has been delegated to the district the State Bureau of Air Pollution Control for jurisdiction and control of specific types of portable or mobile air pollution source equipment, an operating permit shall be required. An operating permit may be issued to operate portable equipment under district jurisdiction at more than one location in the county but the Control Officer shall be notified in writing of each change of location of the equipment for the permit to remain valid. The permit will automatically be revoked for failure to so notify the Control Officer. Owners or operators of mobile equipment under district jurisdiction shall be required to obtain operating permits for the equipment but shall not be required to notify the Control Officer of change of location. Permit fees as established by the fee schedules of Rule 30 of this regulation shall be paid for permits for portable and mobile equipment under district jurisdiction.

L. With respect to the fee schedules contained in Rule 30 of this regulation only, the maximum installation permit fee for all permit units for stationary and mobile and portable equipment of any one owner or company at an individual contiguous plant site shall not exceed a fee of $1,000 and the maximum operating permit fee for that equipment shall not exceed a yearly fee of $1,000.

M. A permit fee of $8 shall be assessed for a Temporary Burning Permit. Agricultural burning permits issued pursuant to Regulation II, Rule 8A shall be issued for burning to be conducted on specific dates during a given 30-day period. Fees shall be assessed for the 30-day permit in the amount of $11 plus $1.50 per each day on which agricultural burning is to be performed.

N. With respect to the fee schedule contained in Rule 4E of this regulation only, the maximum fee for the combined total of earthmoving, land preparation, demolition, trenching, blasting and charge hole drilling, and road construction for any one owner or company at an individual contiguous activity site shall not exceed a yearly fee of $1,000.

O. With respect to the fee schedules contained in Rule 4J of this regulation only, the maximum fee for the combined total of racing event, minimg activities (including related blasting), and unpaved parking lot operations for any one owner or company at an individual contiguous operation site shall not exceed a yearly fee of $1,000.

(3.0) Rule 30. EQUIPMENT FEE SCHEDULES

Any equipment for which an installation permit or an operating permit is required under Rule 4 shall be assessed a permit fee per permit unit of equipment in accordance with the following schedules:

SCHEDULE I

INCINERATOR AND SCRAP METAL SWEATERS

Based on the maximum horizontal inside cross sectional area in feet, of the primary combustion chamber

	Permit Fee $	
Area in Square Feet	Installation	Operating
Up to and including 3	15	10
Greater than 3 but less than 6	25	15
6 or greater but less than 9	50	40
9 or greater but less than 27	100	75
27 or greater but less than 50	150	115
50 or greater but less than 75	200	150
75 or greater but less than 100	250	190
Greater than 100	300	225

SCHEDULE 2

STORAGE EQUIPMENT

Stationary tanks, reservoirs, or other containers

	Permit Fee $	
Gallons	Installation	Operating
Greater than 250 but less than 15,000	20	15
15,000 or greater but less than 40,000	40	30
40,000 or greater but less than 400,000	70	55
400,000 or greater but less than 4,000,000 . .	100	75
4,000,000 or greater	150	115

SCHEDULE 3

FUEL BURNING EQUIPMENT (Except equipment covered by Schedule 4)

Based on designed fuel comsumption using gross input heating values per permit

BTU per Hour	Permit Fee $	
	Installation	Operating
500,000 * or greater but less than 1,500,000 .	50	40
1,500,000 or greater but less than 5,000,000 . . .	70	55
5,000,000 or greater but less than 15,000,000 . .	150	115
15,000,000 or greater but less than 50,000,000 . .	200	150
50,000,000 or greater	270	205

* Includes equipment items rated at less than 500,000 BTU each which aggregate with other such equipment of the applicant at the same location or property, other than a one or two-family residence, more than 500,000 BTU gross input.

SCHEDULE 4

NATURAL GAS-LPG FUEL BURNING EQUIPMENT

BTU per Hour	Permit Fee $	
	Installation	Operating
500,000* or greater but less than 1,000,000 .	20	15
1,000,000 or greater but less than 5,000,000 .	40	30
5,000,000 or greater	100	75

* Includes equipment items rated at less than 500,000 BTU each which aggregate with other such equipment of the applicant at the same location or property, other than a one or two-family residence, more than 500,000 BTU gross input.

SCHEDULE 5

MOTOR ENGINES

Based on total rated horsepower or equivalent of all electric, gasoline, diesel, natural gas and LPG motors and engines included in permit unit.

Horsepower	Permit Fee $ Installation	Permit Fee $ Operating
Up to and including 5	15	10
Greater than 5 but less than 15	25	20
15 or greater but less than 30	50	40
30 or greater but less than 45	70	55
45 or greater but less than 65	100	75
65 or greater but less than 125	150	115
125 or greater but less than 200	200	150
200 or greater	270	205

SCHEDULE 6

ELECTRIC ENERGY EQUIPMENT (Except electric motors)

Based on total kilovolt ampere (KVA) ratings per permit unit

Kilovolt Amperes (KVA)	Permit Fee $ Installation	Permit Fee $ Operating
Up to and including 45	15	10
Greater than 45 but less than 145	25	20
145 or greater but less than 450	50	40
450 or greater but less than 1,450	70	55
1,450 or greater but less than 2,500	100	75
2,500 or greater but less than 4,500	150	115
4,500 or greater but less than 14,500	200	150
14,500 or greater	270	205

SCHEDULE 7

PAINT SPRAYING EQUIPMENT

	Permit Fee $	
	Installation	Operating
Paint Spraying-Operations (per permit unit or spray booth)	15	10

SCHEDULE 8

ASPHALT KETTLES AND ASPHALT TANKERS

Permits are required under this fee schedule for asphalt kettles and tankers used in roofing operations or any other operation using asphalt which might cause or contribute to air pollution, or which might cause emissions of odorous matter. No permit shall be required for asphalt tankers which are used exclusively for the transportation of asphalt and are not used for the application of asphalt to roofs, roads, or other surfaces.

	Permit Fee $	
Total Capacity in Gallons	Installation	Operating
Less than 500	25	20
Greater than 500 but less than 1,000	50	40
Greater than 1,000 but less than 1,500	80	60
Greater than 1,500	100	75

SCHEDULE 9

MISCELLANEOUS

Any equipment which is not included in the preceding schedules and which requires a permit under Rule 4 of this regulation shall be assessed an installation permit fee of $40 and an operating permit fee of $25:

(9.0) Rule 31. EMISSIONS TEST FEE

A. Whenever the Control Officer has reason to believe that stack sampling of the emission from any source is necessary to determine the extent and amount of pollutants being discharged into the atmosphere, he may have the stack emission sampled and analyzed by qualified personnel; or the person causing the emission, at his option with the approval of the Control Officer, may have the emission sampled and analyzed by approved personnel and submit a complete report of the sampling data and analyses within 15 days of the approved time period for sampling. The time required for collecting sampled, making the analyses and preparing the necessary reports shall be charged against the owner or operator of the source in a reasonable sum to be determined by the Control Officer, which said sum is not to exceed the actual cost to the district of such work. The owner or operator shall pay the sum charged within 30 days of the invoicing of the charge.

(9.0) Rule 32. TESTING AND SAMPLING FACILITIES

A. Notwithstanding any air contaminant monitoring devices that may be required by the Control Officer under Section C of Rule 11 it shall be the responsibility of the owner or operator of an air contaminant emissions source to, and he shall, provide at his expense necessary and conveniently located utilities, reasonable and necessary test openings in the system, stack, or stack extension if necessary for uniformity of gas flow, and safe access thereto to permit technically valid samples and measurements of the emissions to be taken by the Control Officer at reasonable times and under reasonable conditions.

B. In the event the existing facilities for sampling or testing and the access thereto are inadequate to permit the taking or technically valid samples and measurements, the Control Officer shall notify the source owner or operator, in writing, of the required size, number, and location of sampling holes; required stack extension where necessary; required size and location of the sampling platform; required access to the sampling platform; required utilities for operating the sampling and testing equipment; and the required schedule for the furnishing of these requirements. The source owner or operator shall furnish such facilities as required in accordance with the schedule outlined by the Control Officer.

REGULATION II EMISSIONS PROHIBITED

(50.1.2) Rule 1. VISIBLE EMISSIONS

A. No person shall cause or permit the discharge into the atmosphere from any single source of emission air contaminants which are:

1. of a shade equal to or darker than No. 2 on the Ringelmann Chart, or,

2. of a density equal to or greater than 40 percent opacity.

B. Exceptions

1. A person may cause or permit the discharge into the atmosphere from any single source of emission, except incinerators and diesel engines, for a period or periods aggregating not more than three minutes in any sixty minutes air contaminants which are:

   a. of a shade not darker than No. 3 of the Ringelmann Chart, or

   b. of a density not greater than 60 percent opacity

2. A person may cause or permit the discharge into the atmosphere of air contaminants of a shade not darker than No. 3 on the Ringelmann Chart from:

   a. a diesel engine being accelerated under load for a maximum of ten consecutive seconds, or

   b. a cold diesel engine being started up with equipment at standstill for a start up period not to exceed ten minutes.

3. Where the presence of uncombined water is the only reason for failure of an emission to meet the requirements of this rule, this rule shall not apply.

C. No person shall cause or permit the discharge into the atmosphere from any incinerator for more than thirty seconds in any sixty minutes smoke which is of a shade or density equal to or darker than No. 1 on the Ringelmann Chart or 20 percent opacity, and no person shall cause or permit the operation of any incinerator from sunset to sunrise.

D. No person shall cause or permit the discharge of visible emissions, including fugitive dust, beyond the lot line of property on which the emissions originate.

(50.1) Rule 2. EMISSIONS OF PARTICULATE MATTER

A. No person shall cause or permit to be emitted into the outdoor atmosphere from any incinerator particulate matter to exceed 0.1 grains per cubic foot of flue gas at standard conditions adjusted to 12 percent carbon dioxide in the exhaust gases and calculated as if no auxiliary fuel had been used.

B. 1. No owner or operator of any stationary process source shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the hourly rate shown in Table I for the process weight rate identified for such source:

Table I

Process Weight Rate (pounds per hour)	Emission Rate (pounds per hour)
50	0.36
100	0.55
500	1.53
1,000	2.25
5,000	6.34
10,000	9.73
20,000	14.99
60,000	29.60
80,000	31.19
120,000	33.28
160,000	34.85
200,000	36.11
400,000	40.35
1,000,000	46.72

Interpolation of the data in the table for process weight rates up to 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = \underline{3.59\ P^{0.62}} \qquad \underline{P \leq 30 \text{ tons/hr}}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = \underline{17.31\ P^{0.36}} \qquad \underline{P \quad 30 \text{ tons/hr}}$$

Where

E = Emissions in pounds per hour
P = Process weight in tons per hour

2. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpolation of this regulation (Rule 2B), the interpretation that results in the minimum value for allowable emission shall apply.

3. For purposes of this regulation (Rule 2 B), the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter.

4. Rule 2B-1 of this regulation shall not apply to incinerators, fuel-burning installations, or Portland Cement Plants having a process weight rate in excess of 250,000 lbs/hr.

5. Standard for particulate matter for Portland Cement Plants:

   a. No owner or operator of a Portland Cement Plant with a process weight rate in excess of 250,000 lbs/hr shall discharge or cause the discharge of particulate matter into the atmosphere from the kiln which is:

      1. In excess of 0.30 lb per ton of feed to the kiln (015 Kg. per metric tons), maximum 2-hour average.

      2. Greater than 10 percent opacity, except that where the presence of uncombined water is the only reason for failure to meet the requirements for this subparagraph, such failure shall not be a violation of this section.

   b. No owner or operator subject to the provisions of this rule (Rule 2B-5) shall discharge or cause the discharge into the atmosphere of particulate matter from the clinker cooler which is:

      1. In excess of 0.10 lb per ton of feed to the kiln (0.050 Kg. per metric ton), maximum 2-hour average.

      2. 10 percent opacity or greater.

   c. No owner or operator subject to the provisions of this rule (Rule 2B-5) shall discharge or cause the discharge into the atmosphere of particulate matter from any affected facility other than the kiln or clinker cooler which is 10 percent opacity or greater.

6. The test measures and procedures used to determine compliance with this rule will be in accordance with the procedure specified by the EPA in the Federal Register, May 14, 1973, 39 FR 12704, Section 52.126. Equivalent methods and procedures may be used if approved by the Control Officer.

C. No person shall cause or permit any material to be handled, used, transported or stored, in process, construction, or otherwise, in a manner which allows or may allow particulate matter to become airborne without minimizing such emissions by good modern practices, such as enclosing or hooding with necessary dust collecting equipment, covering (as for stockpiles or loads in open bodied trucks), using an approved dust suppressant, or other acceptable means.

D. No person shall cause or permit sandblasting or other abrasive blasting operations without minimizing dust emissions to the atmosphere by good modern practices, such as wet blasting, the use of effective enclosures with necessary dust collecting equipment or other acceptable means.

E. No person shall cause or permit a building or its appurtenances, or a building or subdivision site, or a driveway or road, or a parking area, or a vacant lot or sales lot, or an urban or suburban open area to be constructed, used, altered, repaired, demolished, cleared, or leveled, or the earth to be moved or excavated, without taking precautions to limit particulate matter from becoming airborne. Dust and other types of air contaminants shall be kept to a minimum by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, detouring, barring access, or other acceptable means.

F. No person shall cause or permit a vacant lot, or an urban or suburban open area, to be driven over or used by motor vehicles, trucks, cars, cycles, bikes, or buggies, or by animals (as horses) without taking precautions to limit dust from becoming airborne. Dust shall be kept to a minimum by using an approved dust suppressant or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means.

G. Particulate Emissions From Fuel Burning Equipment

1. This regulation applies to any installation in which fuel is burned for the primary purpose of producing steam, hot water, hot air or other liquids, gases or solids and in the course of doing so the products of combustion do not come into direct contact with process materials. When any products or by-products of a manufacturing process are burned for the same

purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

2. The heat content of solid fuel shall generally be determined according to ASTM Method D-271, "Laboratory Sampling and Analysis of Coal or Coke," and ASTM Method D-2015, "Gross Caloric Value of Solid Fuel by Adiabatic Bomb Calorimeter." These methods shall be used as guides, but may be modified by the Control Officer to suit specific sampling conditions or needs based upon good practice.

3. For purposes of this regulation, the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or other outlet. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

4. No person shall cause, allow or permit the emission of particulate matter, caused by combustion of fuel, from any fuel-burning operation in excess of the amounts calculated by the equations presented below:

   a. For equipment having a heat input of 4200 million BTU per hour or less, the maximum allowable emissions shall be determined by the following equation:

   $$E = 1.02Q^{0.769}$$

   Where E = the maximum allowable particulate emissions rate in pounds-mass per hour.

   Q = the heat input in million BTU per hour.

   b. For equipment having a heat input rate greater than 4200 million BTU per hour, the maximum allowable emissions shall be determined by the following equation:

   $$E = 17.00Q^{0.432}$$

   Where "E" and "Q" have the same meanings as in subparagraph a above.

   c. For reference purposes only, the two equations in paragraph 4 are plotted in Figure 1. The emission values obtained from the graph are approximately correct for the heat input rates shown. However, the actual values shall be calculated from the applicable equations and rounded off to two decimal places.

(50.6) Rule 3. EMISSIONS OF GASES, VAPORS, FUMES, OR ODORS

A. No person shall cause or permit any emissions of gases, vapors, or fumes into the atmosphere in such manner or quantities as to result or tend to result in air pollution without minimizing such emissions by good modern practices.

B. No person shall cause or permit any emission of odorous matter in such manner or quantity as to be readily detectable as malodorous at any point along or beyond property lines

1. adjacent to residential, recreational, institutional, educational, retail sales, hotel, or business premises; or

2. adjacent to premises other than those in Subsection 1 above, when one volume of air containing such odorous matter is diluted with 20 or more volumes of odor free air;

3. except that the odor of live trees, shrubs, plants or flowers, and the odors incidental to domestic gardening shall not be considered malodorous within the meaning of this rule.

C. No person shall cause or permit solvents or other volatile compounds or materials such as, but not limited to, paints, acids, alkalies, pesticides, fertilizer, or manure to be processed, stored, used, or transported in such a manner or by such means that they will unreasonably evaporate, leak, escape, or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where means are available to reduce effectively the contribution of the above to air pollution from evaporation, leakage, or discharge as determined by the Control Officer, such control methods, devices or equipment shall be installed and used.

(51.16) Rule 4. STORAGE AND HANDLING OF PETROLEUM PRODUCTS

A. A person shall not place, store, or hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any gasoline or other petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressures sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere, or is equipped with a floating roof or a vapor recovery system or other emission control device.

B. No person shall load or permit the loading of gasoline into any stationary tank with a capacity of 250 gallons or more unless such tank is equipped with either submerged filling inlets or with vapor recovery or emission control systems such that loss of vapor to the atmosphere during filling operations shall be minimized. The provisions of this Section B shall not apply to the loading of gasoline into any tank having a capacity of less than 2,000 gallons which was installed prior to 1969 nor to any underground tank installed prior to 1969 where the fill line between the fill connection and the tank is offset.

C. No person shall load or permit the loading of gasoline into any tank, truck, or trailer from any loading facility handling 20,000 gallons per day or more unless such loading facility is equipped with submersible filling arms or other emission control systems.

D. For the purpose of this rule, any petroleum distillate having a reid vapor pressure of four pounds or greater shall be included by the term "gasoline".

(50.4) Rule 5. ORGANIC SOLVENTS

A. No person shall cause or permit the discharge of more than 3 pounds per hour or 15 pounds per day of organic material from any equipment, including but not limited to surface coating, printing, degreasing or dry cleaning equipment, or other contrivance used for employing or applying any organic solvent other than those accepted by the Control Officer as being photochemically nonreactive without reducing such emissions by at least 85 percent through carbon adsorption, incineration oxidizing to carbon dioxide more than 90 percent of the organic compound, or other acceptable means.

B. For the purposes of this rule, organic solvents include diluents and thinners and are defined as organic materials which are liquid at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(51.8) Rule 6. OPERATION OF ASPHALT KETTLES

A. No person shall cause or permit the operation of an asphalt kettle without minimizing air contaminant emissions by good modern practices including the control of temperature below the asphalt flash point and below the maximum temperature recommended by the asphalt manufacturer, the operation of the kettle with lid closed except when charging, the pumping of asphalt from the kettle or the drawing of asphalt through cocks with no dipping, the maintaining of the kettle in clean, properly adjusted, and good operating condition, and the firing of the kettle with liquid petroleum gas or other fuel acceptable to the Control Officer.

(51.7) Rule 7. EMISSIONS LIMITATION, FUEL BURNING EQUIPMENT

A. Emission Limitation, Fuel Burning Equipment - Sulfur Dioxide

1. This regulation applies to an installation operated for the purpose of producing electric energy with a resulting discharge of sulfur dioxide in the installation's effluent gases.

2. Steam power generating installations which are new sources shall not emit more than 0.80 pounds of sulfur dioxide, maximum two-hour average, per million BTU heat input when coal is fired. Steam power generating installations which are existing sources shall not emit more than 1.0 pounds of sulfur dioxide, maximum two-hour average, per million BTU heat input when coal is fired.

B. Emission Limitation, Fuel Burning Equipment - Nitrogen Oxides

1. This regulation applies to an installation operated for the purpose of producing electric energy with a resulting discharge of nitrogen oxides in the installation effluent gases.

2. Steam power generating installations which are new sources shall not emit more than 0.20 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million BTU heat input when gaseous fossil fuel is fired.

3. Steam power generating installations which are new sources shall not emit more than 0.30 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million BTU heat input when liquid fossil fuel is fired.

4. Steam power generating installations which are new sources shall not emit more than 0.70 pounds of nitrogen oxides, maximum two-hour average, calculated as nitrogen dioxide, per million BTU heat input when solid fossil fuel is fired.

(51.13) Rule 8. OPEN BURNING

A. It shall be unlawful for any person to ignite, cause to be ignited, permit to be ignited, or suffer, allow or maintain any open outdoor fire within Pima County except as provided in the following subsections of this rule:

1. Open outdoor fires used only for domestic cooking of food, or for providing warmth for human beings, or for recreational purposes, or for the branding of animals, or for the training of organized fire fighters, will be permitted without open burning permit (City permit may be required by City Ordinance) provided they do not create a public nuisance.

2. The following open outdoor fires may be permitted by the Control Officer under written burning permit on forms provided by the Control Officer, who shall determine the conditions and times for burning:

a. Open outdoor fires declared as necessary in writing to the Control Officer by:

   1. Any public official in the performance of official duty for the purpose of weed abatement or the prevention of a fire hazard or for the disposal of dangerous materials where there is no safe alternate method of disposal.

   2. The Federal government or any of its departments, agencies, or agents; the State or any of its agencies, departments or political subdivisions for the purpose of watershed rehabilitation or control through vegetation manipulation.

   3. The State entomologist or the agricultural extension agent of Pima County for the sole purpose of pest and disease prevention found necessary by actual agency investigation.

b. Open outdoor fires for the burning of agricultural ditch banks, fence rows, and canal laterals, with high temperature mechanical burners, where no reasonable alternate method of removal is available.

c. Open outdoor fires in nurseries, or citrus groves having factory fabricated heaters so controlled that under field conditions they will not produce unconsumed solid carbonaceous matter at a rate in excess of 1 gram per minute per unit.

d. Open outdoor fires for the burning of ordinary household trash in nonurban areas of low population density, as determined by the Control Officer, where no refuse collection service is available. An area of low population density is considered to be an area with a density of less than 100 well spread out dwelling units per square mile and where the nearest dwelling unit to the permit applicant is at least one eighth mile distant.

e. Open outdoor fires for the burning of tumbleweeds only where there is no reasonable alternate method of disposal.

f. Open outdoor fires for the purpose of land clearance for construction or agricultural uses in remote nonurban areas at least one half mile from the nearest residence where there is no reasonable alternate method of disposal. Permits for this purpose will be issued only for the burning under meteorological conditions determined by the Control Officer of trees, bushes, and brush piles as required by the Control Officer.

g. Open outdoor fires as torches or flares for the purpose of emergency safety measures.

h. Open outdoor fires permitted by any conditional permit issued by a hearing board established under the District Ordinance.

i. Nothing in this rule is intended to permit any practice which is in violation of any statute, ordinance, or rule or regulation.

3. The Control Officer, in the exercise of his discretion may waive the written open burning permit requirement as set forth in Subsection 2 above.

4. Any violation of this rule shall be a misdemeanor punishable as provided in Rule 25 of Regulation I.

(7.0) Rule 9. MALFUNCTION OF EQUIPMENT

Emissions exceeding any of the limits established in this regulation as a direct result of malfunction or breakdown of any incinerator or any process, fuel-burning, or control equipment or related operating equipment beyond the control of the person owning or operating such equipment may not be deemed to be in violation of these Rules and Regulations provided that the person responsible for such emission had been making a diligent maintenance effort to prevent malfunction or breakdown, and provided further that such person advises the District immediately of the circumstances, and submits to the Control Officer in writing within 24 hours an acceptable plan and schedule for correcting such malfunction or breakdown, and diligently pursues all reasonable means for accomplishing such corrective and preventive action.

(2.0) Rule 10. CIRCUMVENTION

Nothing in this regulation authorizes or is intended to authorize any practice or combination of practices intended or designed to evade or circumvent the basic requirements of this regulation. Any intent, design, or act to evade or circumvent the requirements of this regulation shall be a violation of these Rules and Regulations.

(2.0) Rule 11. EXCEPTIONS

A. The provisions of these Rules and Regulations shall not apply to those air pollution sources over which the Air Pollution Control Division of the State of Arizona shall have original jurisdiction and control and over which the director of the division shall have asserted jurisdiction and control at the state level pursuant to Section 36-1706, Arizona Revised Statutes, except when the director of the division has delegated authority for jurisdiction and control of an air pollution source to the district.

REGULATION III EMERGENCIES

(8.0) Rule 1. EMERGENCIES

A. Notwithstanding the provisions of these Rules and Regulations or any other provision of law, if the Control Officer finds that any person is causing or contributing to air pollution and that such pollution creates an emergency which requires immediate action to protect the public health or safety, he shall order such person to reduce or discontinue immediately the air pollution and such order shall be complied with immediately. Upon issuance of any such order, the Hearing Board shall be notified and shall fix a time and place for a hearing before the Hearing Board, such hearing to be held within a reasonable time thereafter. No more than 24 hours after the conclusion of such hearing, and without adjournment thereof, the order shall be affirmed, modified or set aside. If at any time prior to the hearing, remedial action has been taken so that public health or safety shall not again be endangered, then the Control Officer shall advise the Hearing Board and the Hearing shall be cancelled.

REGULATION IV EFFECTIVE DATE

(2.0) Rule 1. EFFECTIVE DATE FOR RULES AND REGULATIONS

These Rules and Regulations shall become effective immediately upon their adoption.

(2.0) REGULATION V SEVERABILITY CLAUSE

Should any rule, section, paragraph, sentence, clause or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

(4.0) REGULATION VI AMBIENT AIR QUALITY STANDARDS

Notwithstanding the emissions limitations contained in these regulations, no person shall plan, construct, install, erect, or operate any air polluting equipment or facilities which discharge or have the potential for discharging air contaminants in such a way that the concentrations of emissions will prevent the attainment or interfere with the maintenance of the following ambient air quality standards:

A. Non-Specific Particulate

1. Maximum annual geometric mean --limit of 60 micrograms per cubic meter.
2. Maximum 24-hour arithmetic average --limit of 150 micrograms per cubic meter.

B. Sulfur Dioxide

1. Maximum annual average --limit of 50 micrograms per cubic meter.
2. Maximum 24-hour --limit of 260 micrograms per cubic meter.
3. Maximum 2-hour average --limit of 1,300 micrograms per cubic meter.

C. Non-Methane Hydrocarbons

Three hour average (6 to 9 AM)-- limit of 160 micrograms per cubic meter.

D. Photochemical Oxidants

One hour average --limit of 160 micrograms per cubic meter.

E. Carbon Monoxide

1. One hour average --limit of 40 milligrams per cubic meter.
2. Eight hour average --limit of 10 milligrams per cubic meter.

F. Nitrogen Dioxide

Maximum annual average --limit of 100 micrograms per cubic meter.

G. Standards for periods of less than or equal to 24 hours may not be exceeded more than once in any consecutive 12 month period.

H. Evaluation

The evaluation of air quality in terms of procedure methodology and concept is to be consistent with the officially adopted regulations of the U.S. Environmental Protection Agency as published in the Federal Register or Code of Federal Regulations.

(10.0) REGULATION VII STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

A. The Provisions of Part 60, Chapter 1, Title 40, Code of Federal Regulations, as amended, are hereby adopted by reference and made a part hereof as set forth in Appendix A attached hereto. The regulation shall be known as Regulation VII of the Rules and Regulations of the Pima County Air Pollution Control District. Any amendments to this part that are promulgated by the U.S. Environmental Protection Agency after the effective date of this rule shall be subject to review and adoption by the Pima County Board of Supervisors prior to becoming part of this rule. For the purposes of this rule, the word "Administrator" as used in Part 60, Chapter 1, Title 40, Code of Federal Regulations shall mean the Control Officer of the Pima County Air Pollution Control District.
Section 604 is hereby changed to read:

All applications, requests, submissions, reports under this part shall be submitted in triplicate and addressed to the Air Pollution Control Officer; Pima County Health Department, 151 West Congress, Tuscon, Arizona, 85701; the Control Officer shall forward a copy of each to the Regional Administrator, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California, 94111.

B. Any violation of the provision of the Rules and Regulations described in Rule A above shall be considered a violation of the Rules and Regulations of the Pima County Air Pollution Control District.

C. Any owner or operator of planned new air polluting equipment or facilities which require reviews by the Control Officer under this regulation shall submit an application for an Installation Permit as described in Regulation I, Rules 4 and 5 of these regulations. In addition to the services normally required for the Installation Permit, the Control Officer shall conduct any necessary special studies, evaluations, and appraisals required by the applicable Federal Regulations herein adopted by reference. The Control Officer shall not issue the Installation Permit until the review process, which includes the special studies, evaluations, and appraisals has been completed and the provisions of the applicable adopted regulations have been met.

D. In addition to the fee for the Installation Permits as described in Regulation I, Rules 4, 5, 29, and 30 of these regulations, the owner or operator shall pay an additional reasonable fee for the special studies, evaluations, and appraisals required by the applicable adopted regulations; such additional fee shall not exceed the equivalent cost of the Installation Permit as described in Rules 29 and 30, or the actual cost of services provided by the Control Officer, whichever is smaller. Upon request by the owner or operator of the applicant of an Installation Permit required by this regulation, the Control Officer shall furnish to the owner or operator an itemized list of actual costs upon which the additional fee was based.

(11.0) REGULATION VIII EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS

A. The Provisions of Part 61, Chapter 1, Title 40, Code of Federal Regulations, as amended, are hereby adopted by reference and made a part hereof as set forth in appendix B attached hereto. The regulation shall be known as Regulation VIII of the Rules and Regulations of the Pima County Air Pollution Control District. Any amendments to this part that are promulgated by the U.S. Environmental Protection Agency after the effective date of this rule shall be subject to review and adoption by the Pima County Board of Supervisors prior to becoming a part of this rule. For the purposes of this rule the word "Administrator" as used in Part 61, Chapter 1, Title 40, Code of Federal Regulations shall mean the Control Officer of the Pima County Air Quality Control District.
Section 61.4 is hereby changed to read:

All request, reports, applications, submittals, and other communications to the Control Officer pursuant to this part shall be submitted in duplicate and addressed to the Air Pollution Control Officer, Pima County Health Department, 151 West Congress Street, Tucson, Arizona, 85701; the Control Officer shall forward a copy of each to the Regional Administrator, U.S. Environmental Protection Agency, Region IX, 100 California Street, San Francisco, California, 94111.

B. Any violation of the provisions of the Rules and Regulations described in Rule A shall be considered a violation of the Rules and Regulations of the Pima County Air Pollution Control District.

C. Any owner or operator who plans to install, erect, or construct equipment or facilities which will pollute or has the potential for polluting the atmosphere with Hazardous Air Pollutants as described in the Federal regulations adopted by reference herein shall first obtain an Installation Permit in the manner described in Regulation I, Rule 4 and 5 of those regulations. Before issuing the Installation Permit, in addition to the normal services provided by the Control Officer as described in Regulation I, Rule 4, the Control Officer shall perform any special studies, evaluations, or appraisals necessary for assuring that the planned equipment or facilities will conform and comply with the adopted regulations.

MARICOPA COUNTY HEALTH CODE
CHAPTER XII
AIR POLLUTION CONTROL RULES AND REGULATIONS

REGULATION I GENERAL PROVISIONS

(2.0) Rule 1. EMISSIONS REGULATED: POLICY; LEGAL AUTHORITY

A. The intent of these Rules and Regulations is to prevent, reduce, control, correct or remove air pollution originating within the territorial limits of Maricopa County and to carry out the mandates of the State Air Pollution Control Law.

B. These Rules and Regulations are adopted pursuant to the authority granted by Section 36-779, Arizona Revised Statutes.

(1.0) Rule 2. DEFINITIONS

In these Rules and Regulations, unless the context otherwise requires:

A. Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants or combinations thereof in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration are or tend to be injurious to human, plant or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property, of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

B. Accepted means approved by the Control Officer.

C. Advisory Council means the Maricopa County Air Pollution Control Advisory Council appointed by the Maricopa County Board of Supervisors.

D. Air Contaminants include smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, odors, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.

E. Approved means approved in writing by the Maricopa County Air Pollution Control Officer.

F. ASME means the American Society of Mechanical Engineers.

G. ASTM means the American Society for Testing Materials.

H. Control Officer means the Director of the Maricopa County Department of Health Services or his authorized representative.

I. Department means the Maricopa County Department of Health Services.

J. Device, Machine, Equipment or other article means any assembly or mechanism, the operation of which may cause or contribute to air pollution or which is used primarily to prevent or control the emission of air pollutants.

K. Discharge means the release, escape or emission of an air contaminant into the atmosphere.

L. Dust means any solid particulate matter discharge, released into or carried in the atmosphere by natural forces or by any fuel burning, combustion, process equipment, device, construction work or by manual, mechanical or industrial processes including, but not restricted to, crushing, bagging, covering, conveying, transporting, transferring, and the like.

M. Flue means a duct or passage, such as a stack or chimney for air contaminants.

N. Fly Ash means particulate matter, gasborne or airborne, consisting essentially of fused ash, and/or unburned, or partially burned, material resulting from combustion of fuel or refuse.

O. Fumes mean gases and vapors which cause air pollution when released into ambient air.

P. Gasoline means any petroleum distillate in liquid form at atmospheric pressure having a Reid vapor pressure four pounds or over.

Q. Hearing Board means the Maricopa County Air Pollution Control Hearing Board appointed by the Maricopa County Board of Supervisors.

R. Incinerator means any equipment, machine, device, contrivance or other articles and all appurtenances thereof used for the destruction or reduction by burning of refuse, salvage material or any other combustible waste matter.

S. Motor Vehicle means a self-propelled vehicle for use on the public roads and highways of the State of Arizona, and required to be registered under the Arizona State Uniform Motor Vehicle Act.

T. Odors means smells, aromas, or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community.

U. Opacity means a condition of the atmosphere, or any part thereof, in which it is partially or wholly impervious to rays of light, and as used in these Rules and Regulations refers to a condition of the atmosphere which obscures an observer's view.

V. Open outdoor fire means any combustion of material of any type outdoors, where the products of combustion are not directed through a flue.

W. Operation means any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or properties of a material.

X. Organic Solvent means any liquid composed wholly or in part of a carbon compound which is capable of dissolving another substance or carrying it in suspension.

Y. Particulate Matter means any discrete particles of material, other than uncombined water, which are carried in, suspended in, or discharged into the atmosphere as a liquid or solid.

Z. Permit Unit means a machine, device or other article, including but not limited to, fuel burning equipment, refuse burning equipment, storage tank and/or process equipment which functions for the processing or storage of material or materials, or a group of such equipment interconnected by conveyor, chute, duct, pipe or hose for the movement of process material or products thereof. A permit unit or grouping may be considered as encompassing all the equipment used from the point or points of initial feed to the point or points of termination where the process flow of material will be or can be interrupted or to the point or points of discharge where such discharge will be stored, go into a different permit group, be physically separated from the equipment of the permit unit group, or be discharged into the atmosphere.

aa. Person means any public or private corporation, company, partnership, association or society of persons, the Federal Government and any of its departments or agencies, the State and any of its agencies, departments or political subdivisions, as well as a natural person.

bb. Process and Process Equipment means any activity, operation or treatment involving the use of any machine, equipment, device or other article for changing any materials or for storage or holding of any materials and all appurtenances thereto including, but not limited to, heat-treating furnaces, cupolas, electric furnaces, ferrous and nonferrous foundries, hot mix asphalt plants, cement asphalt plants, concrete mix plants, sand and gravel operations, cotton gins, feed mills, chemical plants, cement plants, gypsum plants, refineries, dry cleaners, mining and smelting including equipment used in connection therewith, and all other methods or forms of manufacturing, processing or storage that may cause or contribute to air pollution in Maricopa County, and all devices used for the control or reduction of air contaminants arising from such processes and process equipment.

cc. Process Weight means the total weight of all materials introduced into any specific process, which materials may in any form be discharged into the atmosphere. Solid fuels which are part of the charge will be considered part of the process weight.

dd. Process Weight per hour means the total process weight for a representative period of operation or for a continuous portion thereof, divided by the number of hours of each period or portion thereof.

ee. Ringelmann Smoke Chart means the Ringelmann Chart with instructions for use as published by the U.S. Bureau of Mines in I.C. 8333.

ff. Smoke means small visible gasborne particles, other than water which are discharged into the atmosphere.

gg. Source means and refers to any physical facility, device, contrivance, condition, or activity, from which air contaminants are or may be emitted.

hh. Standard Conditions means a gas temperature of 60 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute. When applicable, all analyses and tests shall be calculated and reported at standard gas temperatures and pressure values.

ii. Special Inspection Warrant means an order in writing issued in the name of the State of Arizona, signed by a Magistrate, directed to the Control Officer or his deputies authorizing him to enter into or upon public or private property for the purpose of making an inspection authorized by law.

jj. Submerged Fill Pipe means a fill pipe, the discharge opening of which is entirely submerged when the liquid is six (6) inches above the bottom of the tank. Submerged fill pipe, when applied to a tank which is loaded at its side means a fill pipe, the discharge opening of which is entirely submerged when the liquid level is eighteen (18) inches above the bottom of the tank.

kk. Vapor means the gaseous form of a substance normally found in the liquid or solid state.

(2.0) Rule 3. AIR POLLUTION PROHIBITED

No person shall discharge from any source whatsoever into the open air, air contaminants which exceed in quantity or concentration that specified and allowed in these Rules and Regulations or the Rules and Regulations of the Arizona State Department of Health or the Arizona Revised Statutes or which cause damage to property or unreasonably interfere with the comfortable enjoyment of life or property of a substantial part of a community, or obscure visibility, or which in any way degrade the quality of the ambient air below the standards established by the Board of Supervisors or the State Board of Health.

REGULATION II PERMITS

(3.0) Rule 20. PERMITS REQUIRED

A. Any person erecting, installing, replacing or making a major alteration to any machine, equipment, incinerator, device or other article which may cause or contribute to air pollution or the use of which may eliminate or reduce or control the emission of air pollutants, shall first obtain an Installation Permit from the Control Officer. An Installation Permit shall remain in effect until the operating permit for such equipment is granted or denied or the application is cancelled but in no instance more than two years.

B. Before any machine, equipment, incinerator, device or other article described in paragraph A of this Rule, in existence or in operation at the time of, or subsequent to, the effective date of these Rules and Regulations may be operated or used, an operating permit shall be obtained in writing from the Control Officer.

C. No person shall use any power equipment for commercial purposes to clear away, excavate, or level land or engage in any earth moving activities without first obtaining a permit from the Control Officer. A fee of $1.00 per acre will be charged for each individual site with a minimum fee of $5.00. The permittee shall grant the Control Officer the right of inspection of such land and shall employ such dust control measures as the Control Officer deems necessary for the control of air pollution. This Regulation is not intended to include normal farm cultural practices.

D. A permit is required for any open burning authorized under the exceptions in Section 36-789 Arizona Revised Statutes or Rule 51 of these Rules and Regulations.

(3.0) Rule 21. PERMIT CONDITIONS

A. Every application for an Installation Permit or an Operating Permit shall be filed in the manner and form prescribed by the Control Officer, and shall contain all the information necessary to enable the Control Officer to make the determination to grant or deny such application. Each application for Installation Permit shall be accompanied by appropriate plans and specifications.

B. Operating permits shall be renewed annually, subject to compliance with these Rules and Regulations, upon payment of an annual renewal fee.

C. A separate fee shall be charged for each permit unit of basic equipment and for each permit unit of air pollution control equipment.

D. Where an operating permit is granted for equipment erected, installed, or replaced, on the site location of an existing operating permit of the same permittee, the annual renewal date of the new permit shall be the anniversary date of the existing permit and the new operating permit fee shall be pro-rated from the date of issuance to that anniversary date.

E. In granting a permit, the Control Officer may require compliance with specific conditions and terms which he deems applicable. Failure to comply shall invalidate the permit.

F. No permit is valid until the applicable permit fee has been received and the permit issued by the department.

(3.0) Rule 22. PERMIT DENIAL-ACTION-TRANSFER-POSTING-REVOCATION-COMPLIANCE-EXPIRATION

A. The Control Officer shall deny an Installation Permit or an Operating Permit if the applicant does not show that every such machine, equipment, incinerator, device or other article, the use of which may cause or contribute to air pollution, or the use of which may eliminate or reduce or control the emission of air pollutants, is so designed, controlled, or equipped with such air pollution control equipment, that it may be expected to operate without emitting or without causing to be emitted air contaminants in violation of the provisions of these Rules and Regulations, or those of the State Board of Health.
(Arizona Revised Statute 36-779.02)

B. Prior to acting on an application for an Operating Permit, the Control Officer pursuant to Rule 42 of these Regulations may require the applicant to provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent, quantity or degree of air contaminants discharged into the atmosphere from the machine, equipment, incinerator, device or other article described in the Installation Permit.

C. In acting upon an application for an Operating Permit, if the Control Officer finds that such machine, equipment, incinerator, device, or other article described in these Rules and Regulations has been constructed not in accordance with the Installation Permit, he shall deny the application for such Operating Permit. The Control Officer shall not accept any further application for an Operating Permit for such machine, equipment, incinerator, device or other article so constructed until he finds that such machine, equipment, incinerator, device or other article has been reconstructed in accordance with the Installation Permit. (Arizona Revised Statute 36-779.02)

D. Non-Transferable - An Installation Permit or an Operating Permit shall not be transferable, whether by operation of law or otherwise, either from one piece of equipment to another, or from one person to another. (Arizona Revised Statute 36-779.04)

E. Expiration - An Installation Permit shall expire two (2) years from the date of its issuance if no action has been initiated on such permit.

F. Posting of Permit - A person who has been granted an Operating Permit, shall firmly affix such permit, an approved facsimile of such permit, or other approved identification bearing the permit number upon such machine, equipment, incinerator, device or other article for which the Operating Permit is issued in such a manner as to be clearly visible and accessible. In the event that such machine, equipment, incinerator, device or other article is so constructed or operated that such permit cannot be so placed, the permit shall be mounted so as to be clearly visible in an accessible place within a reasonable distance of such machine, equipment, incinerator, device or other article, or maintained readily available at all times on the operating premises. (Arizona Revised Statute 36-779.06)

G. Permit Revocation

1. The Control Officer may revoke a permit if he determines, by competent evidence, that the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from any equipment covered by the permit is in violation of these Rules and Regulations, or the Rules and Regulations of the State Department of Health.

2. The Control Officer shall notify the permittee of such revocation in writing, giving the reasons therefor, and the revocation shall become final ten (10) days after notification. Notification may be made in person or by Registered or Certified mail.

3. Revocation of a permit may be canceled by the Control Officer anytime before the revocation becomes final if the permittee has corrected the condition responsible for the permit revocation.

4. Revocation of a permit shall be stayed by the permittee's written petition for a hearing, filed in accordance with Regulation VI, Rule 62 of these Regulations.

5. Upon revocation becoming final, an Operating Permit shall be issued only on the basis of an application for a new permit.

H. Compliance with other laws and regulations - The issuance of any permit by the Control Officer shall not relieve any person from compliance with these Rules and Regulations or any other law or ordinance.

(3.0) Rule 23. PERMIT CLASSES

Whereas Section 36-779.01 Arizona Revised Statutes states that any person erecting, installing, replacing or making a major alteration to any machine, equipment, incinerator, device or other article which may cause or contribute to air pollution or the use of which may eliminate or reduce or control the emission of air pollutants, shall first obtain an Installation Permit from the Control Officer and that before any such machine, equipment, incinerator, device, or other article may be operated or used, an Operating Permit shall be obtained in writing from the Control Officer, it is hereby established that the following classes of machines, equipment, devices or other articles may cause or contribute to air pollution or may be used to prevent or control air contaminants and therefore require a permit from the County Air Pollution Officer.

A. Fuel Burning Equipment - This class includes any equipment, machine, device, contrivance or other article used primarily to burn any fuel for the purpose of heating or heat exchange, and all appurtenances thereto including air pollution control equipment. This class does not include refuse burning equipment and equipment specifically excepted by the Arizona Revised Statutes.

B. Refuse Burning Equipment - This class includes any equipment, machine, device, contrivance or other article used for the destruction or reduction of refuse, salvage material and all other waste matter by burning and all appurtenances thereto including all equipment or devices used for the prevention or control of air contaminants.

C. Process Equipment - This class includes any equipment, machine, device, contrivance or other article used for changing any material whatever or for the storage or holding or processing of any materials and all appurtenances thereto, the use or existence of which may cause or contribute to the discharge or air contaminants into the outdoor atmosphere or are used for the prevention or control of air contaminants. This class does not include that equipment specifically classified as fuel burning or refuse burning equipment in these Rules and Regulations.

D. Petroleum Storage - This class includes any tank reservoir, or other container with the capacity of 250 gallons or more used for the storage of petroleum products, (Liquid or gas) except those products with vapor pressure below 2.0 psia but does not include vehicles delivering these products.

E. Miscellaneous - This class includes any machine, device, equipment or other article or process or activity which is not included in the preceding schedules and which requires a permit under the authority of these Rules and Regulations or the Arizona Revised Statutes.

(3.0) Rule 24. INSTALLATION PERMIT FEES

A. A ten dollar ($10.00) fee shall be charged for the issuance of an Installation Permit.

(3.0) Rule 25. ANNUAL OPERATING PERMIT FEES

A. One annual operating fee shall be charged from the date of issuance of a permit to use or operate any machine, equipment, device or other article for which a permit is required by these Rules and Regulations. The total of all annual operating permit fees at one location shall not exceed $750.00. The permit fee shall be due and paid on or before each anniversary date as prescribed in the following schedule. In the event that a stationary operation requiring an annual permit is operated less than six months in any annual operating permit period, the permit fee shall be one half of the annual operating fee.

SCHEDULE FOR PERMIT FEES

Schedule 1

Fuel Burning Equipment Schedule (except equipment covered by Schedule 2)

Based on designed fuel consumption,
using gross Input heating values
per permit unit

BTU per Hour	Annual Operating Permit Fee
500,000 or greater but less than 1,500,000 --------	$ 25.00
1,500,000 or greater but less than 5,000,000 --------	35.00
5,000,000 or greater but less than 15,000,000 -------	75.00
15,000,000 or greater but less than 50,000,000 -------	100.00
50,000,000 or greater -------------------------------	135.00

Schedule 2

Fuel Burning Equipment using Natural Gas or Liquid Petroleum Gas

Based on designed fuel consumption,
using gross Input heating values
per permit unit

BTU per Hour	Annual Operating Permit Fee
500,000 or greater but less than 1,000,000 --------	$ 10.00
1,000,000 or greater but less than 5,000,000 --------	20.00
5,000,000 or greater -------------------------------	50.00

Schedule 3

Refuse Burning Equipment

Based on the maximum horizontal inside cross sectional area of the primary combustion chamber (in square feet)

Area in Square Feet	Annual Operating Permit Fee
Up to and including 4	$ 10.00
Greater than 4 but less than 9	20.00
9 or greater but less than 27	50.00
27 or greater	75.00

Schedule 4

Tanks, Reservoirs or other containers as defined in Rule 23, Paragraph D

Based on capacities in gallons or cubic equivalent per unit

Gallons	Annual Operating Permit Fee
250 or greater but less than 15,000	$ 10.00
15,000 or greater but less than 40,000	20.00
40,000 or greater but less than 400,000	35.00
400,000 or greater but less than 4,000,000	50.00
4,000,000 or greater	75.00

Schedule 5

Motors - Engines

Based on total rated horsepower or the equivalent of all motors and engines including but not limited to gasoline, diesel, natural gas, liquid petroleum gas and electricity * including a permit unit other than those used in mobile equipment.

Horsepower	Annual Operating Permit Fee
Up to and including 5	$ 7.00
Greater than 5 but less than 15	12.00
15 or greater but less than 30	25.00
30 or greater but less than 45	35.00
45 or greater but less than 65	50.00
65 or greater but less than 125	75.00
125 or greater but less than 200	100.00
200 or greater	135.00

*Only electric motors used to drive or power any machine, equipment or device or other article that may cause or contribute to air pollution or may be used to prevent or control air contaminants.

Schedule 6

Electric Energy Equipment (except Electric Motors)

Based on total Kilovolt Ampere (KVA)
Ratings per permit unit

Kilovolt Amperes (KVA)	Annual Operating Permit Fee
Up to and including 45	$ 7.00
Greater than 45 but less than 145	12.00
145 or greater but less than 450	25.00
450 or greater but less than 1,450	35.00
1,450 or greater but less than 2,500	50.00
2,500 or greater but less than 4,500	75.00

Schedule 6 (Cont'd.)

Kilovolt Amperes (KVA)	Annual Operating Permit Fee
4,500 or greater but less than 14,500	$ 100.00
14,500 or greater	135.00

Schedule 7

Miscellaneous

Any machine, device, equipment or other article or process or activity which is not included in the preceding schedules and which requires a permit under these Rules and Regulations shall be assessed an annual Operating Permit Fee of $20.00 for each permit unit.

(3.0) Rule 26. PORTABLE EQUIPMENT

A. In the case of a permit issued to operate portable equipment including, but not limited to sandblasting equipment, rock crushers, screens and conveyors at more than one location in the County requiring erection or assembly at the site, the permittee shall notify the Control Officer in writing prior to each change of location of the equipment. The permit shall become invalid for failure to notify the Control Officer.

REGULATION III CONTROL OF AIR CONTAMINANTS

(50.1.2) Rule 30. VISIBLE EMISSIONS

No person shall discharge into the atmosphere from any source whatsoever, except incinerators, any air contaminant for a period or periods aggregating more than three (3) minutes in any one (1) hour which is:

A. As dark as or darker in shade than that designated as No. 2 on the Ringelmann Chart as published by the U.S. Bureau of Mines.

B. Of such an opacity as to obscure an observer's view to a degree equal to or greater than do air contaminants described in paragraph A of the Rule.

(50.1) Rule 31. EMISSIONS OF PARTICULATE MATTER

A. No building or its appurtenances, a utility or open area may be used, constructed, repaired, altered, or demolished without taking all reasonable precautions to prevent particulate matter from becoming windborne or airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating or by other effective means.

B. No person shall repair, construct, or reconstruct any road or alley, or having authority to prevent it, permit the use of or use such road, alley or open area without taking all resonable precautions to prevent particulate matter from becoming windborne or airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust palliatives, wetting down, detouring or by other effective means.

C. No person shall handle, transport or store any material without using all reasonable means to prevent particulate matter from becoming airborne.

D. No person shall conduct sandblasting or other abrading operations without minimizing particulate emissions by good modern practices, including but not limited to wet blasting, the use of effective enclosures with necessary dust collecting equipment, or other equally effective means.

(50.6) Rule 32. ODORS AND GASEOUS EMISSIONS

A. No person shall emit gaseous or odorous materials from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

B. No person shall operate or use any machine, equipment or other contrivance for the treatment or processing of animal or vegetable matter, separately or in combination, unless all gases, vapors, and gas-entrained effluents from such operation, equipment or contrivance have been:

1. Incinerated to destruction at a temperature of not less than 1,300 degrees Fahrenheit, or processed in a manner determined to be equally or more effective for the control of air pollution.

2. All persons owning or responsible for any process involving the reduction of animal and/or vegetable matter shall install, use, and maintain such devices as are necessary to prevent or control emissions of air contaminants.

C. Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory.

D. Where a stack, vent, or other outlet is at such a level that fumes, gas, mist, odor, smoke, vapor or any combination thereof constituting air pollution are discharged to adjoining property, the Air Pollution Control Officer may require the installation of abatement equipment or the alteration of such stack, vent, or other outlet by the owner or operator thereof to a degree that will adequately dilute, reduce or eliminate the discharge of air pollution to adjoining property.

E. No person shall emit hydrogen sulfide from any location in such manner and amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

F. No person shall emit into the ambient air any sulfur oxide or sulfuric acid in such manner and amounts as to result in ground level concentrations at any place beyond the premises on which the source is located exceeding those limits shown in the following table:

F. (Continued)

Concentration of Sulfur Dioxide	Averaging Time
850 ug/m^3	1 hour
250 ug/m^3	24 hours
120 ug/m^3	72 hours

Concentration of Sulfuric Acid and Sulfur Trioxide expressed as Sulfur Acid	Averaging Time
15 ug SO_4/m^3	24 hours

G. No person shall operate an asphalt kettle unless he controls air contaminant emissions by good modern practices including but not limited to: (1) maintenance of temperature below both the asphalt flash point and the maximum temperature recommended by the asphalt manufacturer through the use of automatic temperature controls, (2) operation of the kettle with the lid closed except when charging, (3) pumping the asphalt from the kettle, (4) drawing the asphalt through cocks without dipping, (5) firing of the kettle with a clean burning fuel and (6) maintaining the kettle in clean, properly adjusted and good operating condition.

(51.16) Rule 33. STORAGE AND HANDLING OF PETROLEUM PRODUCTS

A. No person shall place, store or hold in any reservoir, tank or other container having a capacity of sixty-five thousand (65,000) or more gallons any gasoline, or petroleum or petroleum distillate having a vapor pressure of 2.0 pounds per square inch, absolute, or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss to the atmosphere or is equipped with one of the following vapor-loss control devices, properly installed, in operation and in good working order:

1. A floating roof consisting of a pontoon type or double deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, to close the space between the roof eave and tank well, designed in accordance with accepted standards of the petroleum industry. The control equipment shall not be used if the gasoline, petroleum, or petroleum distillate has a vapor pressure of twelve (12) pounds per square inch absolute or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place;

2. Other equipment proven to be of equal efficiency for preventing discharge of hydrocarbon gases and vapors to the atmosphere.

B. Any other petroleum storage tank which is constructed or extensively remodeled shall be equipped with a submerged filling device or other equally effective device to control the emissions of hydrocarbons.

C. All facilities for dock loading of petroleum, or petroleum products having a vapor pressure of 2.0 pounds per square inch absolute or greater at loading pressure shall provide for submerged filling or other equally effective device to control the emission of hydrocarbons.

D. No person shall install or use a petroleum, or petroleum distillate storage tank with a capacity of 250 gallons or more, used for the purpose of storage of petroleum products with a vapor pressure of 2.0 psia or more, unless such tank is equipped with a submerged fill pipe or is a pressure tank as described in paragraph A of this section of the Regulation or is fitted with a vapor recovery system as described in sub-paragraph 1 of this section of the Rules and Regulations.

E. All existing petroleum, or petroleum distillate storage tanks with a capacity of 250 gallons or more used for the purpose of storage of petroleum products with a vapor pressure of 2.0 psia or more, shall be equipped with a submerged filling device or other equally effective device. No person shall load or permit the loading of such petroleum, or petroleum distillate, into any storage tank with a capacity of 250 or more gallons that is not equipped with a permanent submerged fill pipe or other equally effective device.

F. When loading petroleum or petroleum distillate of more than 2.0 psia into a storage tank as described in paragraph E from tank truck or trailer, the hose connection to the storage tank fill pipe shall be a tight, leakproof fill connection.

(50.4) Rule 34. ORGANIC SOLVENTS

A. DEGREASERS

1. No person shall use or conduct any vapor-phase degreasing operation without minimizing organic solvent vapor diffusion emissions by good modern practices such as but not limited to the use of a free board chiller or other effective device operated and maintained in accordance with solvent and equipment manufacturers' specifications.

2. Spray degreasing shall be conducted in an enclosure equipped with controls which will minimize the emission of organic solvents.

B. DRY CLEANING

1. Chlorinated Synthetic Solvents

a. Effective one year from the date of adoption of these Rules and Regulations, no person shall conduct any dry cleaning operation using chlorinated synthetic solvents without minimizing organic solvent emissions by good modern practices including but not limited to the use of an adequately sized and properly maintained activated carbon absorber or other equally effective control device.

b. All new dry cleaning establishments using chlorinated synthetic solvents, constructed, installed or used after the effective date of these Rules and Regulations shall minimize organic solvent emissions by good modern practices including but not limited to the use of an adequately sized and properly maintained activated carbon absorber or other equally effective control device.

2. Petroleum Solvents

a. Effective three (3) years from the date of adoption of this Rule, no person shall operate any dry cleaning establishment using petroleum solvents without the use of a direct-fired afterburner adequately sized, operated and maintained so as to reduce solvent emissions by at least 90 percent, or other equally effective control system.

b. All new dry cleaning establishments, using petroleum solvents, constructed, installed or used after the effective date of this Rule shall be equipped with a direct-fired afterburner adequately sized, operated and maintained so as to reduce solvent emissions by at least 90 percent, or other equally effective control system.

C. SPRAY PAINT AND OTHER SURFACE COATING OPERATIONS

1. No person shall conduct any spray paint operation without minimizing organic solvent emissions by good modern practices. Such operations other than arthitectural coating shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.

2. Effective one year from the date of adoption of these Rules and Regulations, no person shall employ, apply, evaporate or dry any architectural coating for industrial or commercial purposes, material containing photochemically reactive solvent or shall thin or dilute any architectural coating with a photochemically reactive solvent as defined in paragraph H of this Rule.

3. For the purposes of this Rule, architectural coating is defined as a coating used commercially or industrially for residential, commercial, or industrial buildings and their appurtenances, structural steel and other fabrications such as but not limited to, storage tanks, bridges, beams and girders.

D. Effective one year from the date of adoption of these Rules and Regulations, except as provided in paragraph B, Subsection 2, no person shall discharge more than 15 pounds of organic materials into the atmosphere in any one day from any machine, equipment, incinerator, device, or other article in which any organic solvent or any material containing organic solvent comes into contact with flame or is baked, heat-cured, or heat-polymerized, in the presence of oxygen.

E. Effective one year from the date of adoption of these Rules and Regulations, no person shall discharge more than 40 pounds of organic material into the atmosphere in any one day from any machine, equipment, incinerator, device or other article used under conditions other than described in paragraph D of this Rule for employing, applying, evaporating or drying any photochemically reactive solvent as defined in paragraph H of this Rule.

F. Emissions of organic materials into the atmosphere required to be controlled by paragraphs D and E of this Rule shall be reduced by:

1. Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

2. Adsorption or,

3. Processing in a manner not less effective than 1 and 2 above.

G. The provisions of this Rule shall not apply to:

1. The manufacturer of organic solvents, or the transport or storage of organic solvents or materials containing organic solvents.

2. The use of equipment for which other requirements are specified by Rule 33.

3. The spraying or other employment of insecticides, pesticides or herbicides.

H. For the purposes of this Rule, a photochemically reactive solvent is a solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of solvent:

1. A combination of hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of unsaturation: 5 percent;

2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent;

3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percent of the total volume of solvents.

I. Effective one year from the date of adoption of these Rules and Regulations, no person shall, during any one day, dispose of a total of more than one and one half gallons of any photochemically reactive solvent as defined in Paragraph H of this Rule or of any material containing more than one and one half gallons of any such photochemically reactive solvent by any means which will permit the evaporation of such solvent into the atmosphere.

(51.9) Rule 35. INCINERATORS

A. No person shall burn any combustible material in any incinerator within Maricopa County except in a multiple-chamber incinerator, equipped with auxiliary fuel, or in equipment equally effective. No burning shall be conducted between sunset and the following sunrise.

B. For the purposes of these Rules and Regulations a "multiple-chamber incinerator" is any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refactory lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage parts or ducts designed for maximum combustion of the material to be burned.

C. No incinerator shall be constructed, remodeled, installed or used until the following information, and such additional information and data as the Control Officer may require, have been filed with and approved by the Control Officer, and then only in compliance with the requirements of these Rules and Regulations.

   1. Plans and specifications showing capacity, amount and type of waste to be incinerated, proposed fuel, fire chamber details, stack detail and location with reference to adjacent premises, auxiliary fuel controls;

   2. Loading and unloading procedures and equipment;

   3. Methods and equipment for preventing the discharge of contaminants into the ambient air;

   4. Receptacles for storage and means for disposal of residue.

D. No person shall burn combustible wastes in any incinerator until it has passed a performance test based on the emission standards of Regulation F and G of this Rule, nor at any time in excess of these standards.

E. Approval of the use of an incinerator by the Control Officer is not intended to exempt the incinerator, its location or operation from the requirements of any public agency exercising proper jurisdiction.

F. No person shall emit into the outdoor atmosphere from any incinerator particulate matter to exceed 0.1 grains per cubic foot of flue gas at standard conditions ajdusted to 12 percent carbon dioxide in the exhaust gases and calculated as if not auxiliary fuel had been used.

G. Notwithstanding the provisions of Regulation III, Rule 30, no person shall emit into the atmosphere from any incinerator for an aggregate of more than thirty (30) seconds in any sixty (60) minutes, smoke the appearance, density, opacity or shade of which is as dark as No. 1 on the Ringelmann Scale.

REGULATION IV PRODUCTION OF RECORDS; MONITORING; TESTING AND SAMPLING FACILITIES

(13.0) Rule 40. PRODUCTION OF RECORDS

A. When the Control Officer has reasonable cause to believe that any person is violating any provision of these Rules and Regulations or any requirements of an Operating or Conditional Permit issued pursuant to these Rules and Regulations, he may request in writing that such person forthwith produce all existing books, records and other documents evidencing tests, inspections or studies which may reasonably relate to compliance or non-compliance with these Rules and Regulations, and the addressee shall comply without unreasonable delay. (Arizona Revised Statute 36-780)

(9.0) Rule 41. MONITORING

A. The owner, lessee or operator of a potential air contaminant source shall provide, install, maintain and operate such air contaminant monitoring devices as are reasonable and required to determine compliance in a manner acceptable to the Control Officer, and shall supply monitoring information as directed in writing by the Control Officer. Such devices shall be available for inspection by the Control Officer during all reasonable times. (Arizona Revised Statute 36-780)

(9.0) Rule 42. TESTING AND SAMPLING

A. It shall be the responsibility of the owner or operator of an air contaminant emissions source to, and he shall, provide at his expense necessary and conveniently located utilities, reasonable and necessary for uniformity of gas flow, and safe access thereto to permit technically valid samples and measurements of the emissions to be taken at reasonable times and under reasonable conditions.

B. In the event the existing facilities for sampling or testing and the access thereto are inadequate to permit the tanking of technically valid samples and measurements, the Control Officer shall notify the source owner or operator, in writing, of the required size, number, and location of sampling holes; required size and location of the sampling platform; required access to the sampling platform; and the required utilities for operating the sampling and testing equipment and the required schedule for providing these facilities. The source owner or operator shall furnish such facilities as required in accordance with the schedule outlined by the Control Officer.

(16.0) Rule 43 RIGHT OF INSPECTION

The Air Pollution Control Officer during reasonable hours, for the purpose of enforcing and administering these Regulations, or any provision of the Arizona Revised Statutes relating to the emission or control of air contaminants, or of any order, regulation or rule prescribed pursuant thereto, may enter every building, premises, or other place, except a building designed for and used exclusively as a private residence. Every person is guilty of a misdemeanor pursuant to Arizona Revised Statute 36-789.01 who in any way denies, obstructs, or hampers such entrance or inspection by the Control Officer or his authorized representative.

REGULATION V UNLAWFUL OPEN BURNING

(51.13) Rule 50. OPEN OUTDOOR FIRES

It shall be unlawful for any person to ignite or maintain any open outdoor fire within the limits of Maricopa County, except as provided in this section.

(2.0) Rule 51. EXCEPTIONS

A. Fires used only for the domestic cooking of food, for providing warmth for human beings, for recreational purposes and for the branding of animals, or the use of orchard heaters for the purpose of frost protection in farming or nursery operations.

B. Any exception permitting open burning granted to Arizona State Law shall stipulate the conditions and time most advantageous for minimizing air pollution and protecting the health, safety and comfort of persons from the effects of the burning. The Control Officer may designate a public official as his representative to issue such a permit on forms provided by the Control Officer. Fires permitted subject to these stipulations are:

1. Fires declared as necessary in writing to the Control Officer by:

   a. The County Agricultural Agent or State Entomologist when such burning has been determined and certified by actual investigation as essential for the purpose of disease and/or pest prevention.

   b. Any public official in the performance of official duty for the control of weeds, the prevention of a fire hazard, the disposal of dangerous material where no alternative exists, or instruction in the fighting of fires.

   c. The Federal Government or any of its departments, agencies, or agents, the State or any of its agencies, departments, or subdivisions, for the purpose of watershed rehabilitation or control through vegetative manipulation.

2. Fires permitted by the Control Officer for the burning of agricultural ditch banks, fence rows and canal laterals using high temperature mechanical burners where no reasonable mechanical, chemical or other methods of removal are available; and where other reasonable methods are not available for the destruction of tumbleweeds after they have been piled. For the purpose of this section, "fence row" means a lateral area not to exceed two and one half feet on either side of the center line of a fence.

3. Fires permitted by the Control Officer for the purpose of bonafide land clearance for construction or agricultural uses in non-urban areas of low population density where no reasonable alternative exists. Permits shall be limited to the burning of trees and brush which are placed in piles of a size stipulated by the Control Officer and burning shall be conducted during hours and meteorological conditions determined by the Control Officer to be most likely to minimize adverse effects of resulting air contaminants.

4. A fee of $5.00 will be charged for burning permits issued by the Control Officer.

(2.0) Rule 52. CONDITIONS

A. The issuance by the Control Officer of a permit to burn does not release the permittee from any of the requirements of a fire department having jurisdiction, and a permit so issued must be validated by such fire department to be effective. Open burning at a time or in a manner contrary to the stipulations of the Control Officer shall constitute a violation of this section.

(15.0) Rule 53. NOTICE TO APPEAR

A. Peace Officers and the Control Officer and his deputies shall have the authority to issue a notice to appear under the same conditions and procedures set forth in Section 13-1422 for any violation of Regulation V. (Arizona Revised Statute 36-789G)

REGULATION VI VIOLATIONS

(16.0) Rule 60. ORDER OF ABATEMENT: HEARINGS

A. When the Control Officer has reasonable cause to believe that any person is violating any provision of these Rules and Regulations or any requirement of an Operating or Conditional Permit issued pursuant to these Rules and Regulations, he may forthwith serve upon such person by Registered or Certified mail or in person an Order of Abatement or file a complaint alleging violations, or both. The Order shall state with particularity the act being done that constitutes the violation, shall state in its entirety the certain requirement, provision or rule or regulation being violated, and that the alleged violate is entitled to a hearing if such hearing is requested inwriting within twenty (20) days after the date of issuance of the Order, the Order may be conditional and require a person to refrain from the particular acts unless certain conditions are met. (Arizona Revised Statute 36-781)

B. Hearings on Orders of Abatement

1. An Order of Abatement issued by the Control Officer shall become effective immediately upon the expiration of the time during which a request for a hearing may be made unless the person or persons named in such order shall have made a timely request for a hearing before the Hearing Board. If a hearing is requested, the Hearing Board shall hold the hearing within thirty (30) days from receipt of the request unless such time is extended by the Hearing Board. Written notice of the time and place of the hearing shall be sent by the Hearing Board to the person or persons requesting the hearing and to the Control Officer at least fifteen (15) days before the hearing. (Arizona Revised Statute 36-782)

2. If the Board, after the hearing, determines that the act or acts set forth in the Order constitute a violation of any provision of these Rules and Regulations or any requirement of an Operating or Conditional Permit issued pursuant to these Rules and Regulations and that no Conditional Permit is justified, the Board shall affirm or modify the Order for Abatement. The Order may be conditional and require a person to refrain from the particular act or acts unless certain conditions are met. (Arizona Revised Statute 36-782)

(3.0) Rule 61. CONDITIONAL PERMIT: PETITION FOR CONDITIONAL PERMIT

A. The Hearing Board may grant to any person one Conditional Permit for each air pollution source which allows such person to vary from certain requirements of these Rules and Regulations if the Hearing Board finds that additional time is needed for compliance and, upon the basis of evidence presented to it, that the Conditional Permit, if granted, will not unduly endanger human health or safety either directly or indirectly.

B. Petition for Conditional Permit

1. A person who seeks a Conditional Permit shall file a petition together with a fee of $35.00 with the Hearing Board. Within thirty (30) days after the filing of a petition for Conditional Permit, the Hearing Board shall set a hearing date. The Hearing date shall be within sixty (60) days after the filing of the petition.

2. Notice of the filing of a petition for a Conditional Permit and of the hearing date on said petition shall be published in the manner provided in Regulation VI, Rule 65.

3. The hearing on the petition for the Conditional Permit shall be public. (Arizona Revised Statute 36-784.01)

(16.0) Rule 62. APPEALS TO THE HEARING BOARD

A. Within ten (10) days after notice is given by the Control Officer of denial or revocation of a permit, the applicant may petition the Hearing Board, in writing, for a public hearing, which shall be held within thirty (30) days after receipt of the petition. The Hearing Board after notice and a public hearing, may sustain, modify or reverse the action of the Control Officer. (Arizona Revised Statute 36-779.03)

(3.0) Rule 63. DECISIONS ON PETITIONS FOR CONDITIONAL PERMIT: TERMS AND CONDITIONS OF CONDITIONAL PERMIT

A. Within thirty (30) days after the conclusion of the hearing on the petition for a Conditional Permit, the Hearing Board shall deny the petition or grant the petition on such terms and conditions as it deems appropriate.

B. The terms and conditions which may be imposed as a condition to the granting of the continued existence of a Conditional Permit shall include but not be limited to:

1. A detailed plan, not to exceed one year in duration, for completion of corrective steps needed to conform to the requirements of these Rules and Regulations.

2. Such written reports as may be required.

3. The right to make periodic inspection of the facilities for which the Conditional Permit is granted.

C. The fee for a Conditional Permit shall be the same as an Operating Permit and shall be good for one year, pursuant to Arizona Revised Statute 36-784.02.

D. A Conditional Permit, and any extension thereof, shall be valid for such period as the Hearing Board prescribes but in no event for more than one (1) year from the date of initial issuance. (Arizona Revised Statute 36-784.03)

E. Suspensions and revocation of Conditional Permit - If the terms and conditions of the Conditional Permit are being violated, the Control Officer may seek to revoke or suspend the Conditional Permit granted. In such event, the Control Officer shall serve notice of such violations on the holder of the Conditional Permit in the manner provided in Regulation VI, Rule 60 of this section. The notice shall specify the nature of such violation and the date on which a hearing will be held by the Hearing Board to determine if such a violation has occurred and whether the Conditional Permit should be suspended or revoked. The date of said hearing shall be within thirty (30) days from the date said notice is served upon the holder of the Conditional Permit.

(16.0) Rule 64. DECISIONS OF HEARING BOARD; SUBPOENAS; EFFECTIVE DATE

A. All decisions of the Hearing Board, including the majority opinion and all concurring and dissenting opinions, shall be in writing and shall be of public record.

B. A majority of the total membership of the Hearing Board shall concur in a decision for it to have effect.

C. The Chairman, or in his absence, the Vice Chairman may issue subpoenas to compel attendance of any person at hearing and require the production of books, records, and other documents' material to a hearing. Obedience to subpoenas may be enforced pursuant to Section 12-2213, Arizona Revised Statutes.

D. Decisions of the Hearing Board shall become effective not less than thirty (30) days after they are issued unless:

1. re-hearing is granted which shall have the effect of staying the decision.

2. It is determined that an emergency exists which justifies an earlier effective date.

E. The Hearing Board may revoke or modify an Order of Abatement, a permit or a Conditional Permit only after first holding a hearing within thirty (30) days from the giving of notice of such hearing. (Arizona Revised State Statute 36-785)

(16.0) Rule 65. NOTICE OF HEARING; PUBLICATION; SERVICE

A. Any notice of Hearing required by these Rules and Regulations shall be given by publication of a Notice of Hearing for at least two (2) times in a newspaper of general circulation published in an adjoining county, and by posting copies of the petition and notice in at least three (3) conspicuous places in the county.

B. If the hearing involves any violation of these Rules and Regulations or a Conditional Permit issued pursuant thereto, then in addition to the requirements of Paragraph A of this Rule, the person allegedly committing or having committed the violation or requesting the Conditional Permit, shall be served personally or by Registered mail or Certified mail at least fifteen (15) days prior to the hearing with a written Notice of Hearing.

(15.0) Rule 66. INJUNCTIVE RELIEF

Upon the failure or refusal of a person to comply with an Order for Abatement by the Hearing Board or the Control Officer in cases where an Order for Abatement has become effective, an action may be filed in the Superior Court to restrain and enjoin the person from engaging in further acts violating the Order of Abatement. The Court shall proceed as in other actions for injunctions.

(15.0) Rule 67. MISDEMEANOR; PENALTY

A. Any person who violates any provision of these Rules and Regulations or any effective Order of Abatement issued pursuant to these Rules and Regulations is guilty of a misdemeanor punishable by imposition of a fine of not less than fifty ($50.00) dollars. Each day of violation shall constitute a separate offense.

REGULATION VII EMERGENCY PROCEDURES

(8.0) Rule 70. EMERGENCY MEASURES

A. If the Control Officer determines that air pollution in any area constitutes or may constitute an emergency risk to the health of those in the area such determination and recommendation shall be immediately communicated to the Governor and the State Commissioner of Health requesting that appropriate action be initiated.

B. The Control Officer and his agents are hereby authorized to carry out orders issued by the Governor or the State Health Commissioner pursuant to air pollution emergency section Arizona Revised Statute 36-1719.

REGULATION VIII VALIDITY AND OPERATION

(2.0) Rule 80. VALIDITY

A. If any section, subsection, clause or phrase or provision of these Rules and Regulations is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion.

(2.0) Rule 81. OPERATION

A. Nothing in these Rules and Regulations shall in any manner be construed as authorizing or permitting the creation or maintenance of a nuisance.

FEDERALLY PROMULGATED REGULATIONS

(50.2) 52.125 Control Strategy: Sulfur Oxides

(c) Replacement Regulation for Regulation 7-1-4(c) (Fossil Fuel-Fired Steam Generators in the Four Corners Interstate Region.)

(1) This paragraph is applicable to the fossil fuel-fires steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Arizona portion of the Four Corners Interstate Region (81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E = 12{,}245\ S \text{ or } e = 1{,}540\ S$$

Where:
E = Allowable sulfur oxides emissions (lb/hr) from all affected units.
e = Allowable sulfur oxides emissions (gm/sec) from all affected units.
S = Sulfur content, in percent by weight, prior to any pretreatmant of the fuel being burned.

(3) For the purposes of this paragraph:

(i) E shall not exceed 21,270 lb/hr (2,680 gm/sec).

(ii) If the sum of sulfur oxides emissions from Units 1, 2 and 3 would be less than 3,780 lb/hr (475 gm/sec) without the use of emission control equipment, the requirements of subparagraphs (2), (4) (i) and (5) of this paragraph shall not apply for the period of time that the emissions remain below this level.

(iii) The applicability of subdivision (ii) of this subparagraph may be determined through a sulfur balance utilizing the analyzed sulfur content of the fuel being burned and the total rate of fuel consumption in all affected units.

(4)(i) No owner or operator of the fossil fuel-fired steam generating equipment subject to this paragraph shall discharge or cause the discharge of sulfur oxides into the atmosphere from any affected unit in excess of the amount prescribed by the following equations, except as provided in subparagraph (3) (ii) of this paragraph.

$$E_1 = 0.333\ E \text{ or } e_1 = 0.333\ e$$

Where:
E = Allowable sulfur oxides emissions (lb/hr) from all affected units as determined pursuant to subparagraph (2) of this paragraph.
e = Allowable sulfur oxides emissions (gm/sec) from all affected units as determined pursuant to subparagraphs (2) of this paragraph.
E_1 = Allowable sulfur oxides emissions (lb/hr) from each affected unit.
e_1 = Allowable sulfur oxides emissions (gm/sec) from each affected unit.

(ii) The owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable may submit a request to redesignate the allowable emissions specified in subdivision (i) of this subparagraph. Such a request shall be submitted no later than December 2, 1974, and shall demonstrate that sulfur oxides emissions on a total plant basis will not exceed those specified in subparagraphs (2) and (3) (i) of this paragraph. Upon receipt and evaluation of such request, the Administrator shall consider such and if appropriate, redisignate the allowable emissions specified in subdivision (i) of this subparagraph.

(5) All sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency at all times, without regard to the allowable sulfur oxides emissions determined according to subparagraph (2) or (3) of this paragraph, except as provided in subparagraph (3) (ii) of this paragraph.

(6) Compliance with this paragraph shall be in accordance with the provisions of 52.134 (a).

(7) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in 60.46 (c)(2) and (c) (4) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in 60.45 (c) and (d) of this chapter.

(50.1) 52.126 Control Strategy and Regulations: Particulate Matter

(b) Replacement Regulation for Regulation 7-1-3.6 of the Arizona Rules and Regulations for Air Pollution Control.

(1) No owner or operator of any stationary process source in the Phoenix-Tucson Intrastate Region (81.36 of this chapter) shall discharge or cause the discharge of particulate matter into the atmospnere in excess of the hourly rate shown in the following table for the process weight rate identified for such source:

Process weight rate (pounds per hour)	Emission rate (pounds per hour)	Process weight rate (pounds per hour)	Emission rate (pounds per hour)
50	0.36	60,000	29.60
100	0.55	80,000	31.19
500	1.53	120,000	33.28
1,000	2.25	160,000	34.85
5,000	6.34	200,000	36.11
10,000	9.73	400,000	40.35
20,000	14.99	1,000,000	46.72

(i) Interpolation of the data in the table for process weight rates up to 60,000 lbs./hr shall be accomplished by use of the equation:

$$E = 3.59\, P^{0.62} \quad P \quad 30 \text{ tons/h}$$

and interpolation and extrapolation of the data for process weight rates in excess of 60,000 lbs/hr shall be accomplished by use of the equation:

$$E = 17.31\, P^{0.16} \quad P \quad 30 \text{ tons/h}$$

Where: E = Emissions in pounds per hour
P = Process weight in tons per hour

(ii) Process weight is the total weight of all materials and solid fuels introduced into any specific process. Liquid and gaseous fuels and combustion air will not be considered as part of the process weight. For a cyclical or batch operation, the process weight per hour will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of the given process to the completion thereof, excluding any time during which the equipment is idle. For a continuous operation, the process weight per hour will be derived by dividing the process weight for a given period of time by the number of hours in that period.

(iii) For purposes of this regulation, the total process weight from all similar units employing a similar type process shall be used in determining the maximum allowable emission of particulate matter.

(2) Paragraph (b) (1) of this section shall not apply to incinerators, fuel burning installations, or Portland Cement Plants having a process weight rate in excess of 250,000 lb/h.

(3) No owner or operator of a Portland Cement Plant in the Phoenix-Tucson Intrastate Region (81.36 of this chapter) with a process weight rate in excess of 250,000 lb/h shall discharge or cause the discharge of particulate matter into the atmosphere in excess of the amount specified in 60.62 of this chapter.

(4) Compliance with this paragraph shall be in accordance with the provisions of 52.134 (a).

(5) The test methods and procedures used to determine compliance with this paragraph are set forth below. The methods referenced are contained in the appendix to part 60 of this chapter. Equivalent methods and procedures may be used if approved by the Administrator.

(i) For each sampling repitition, the average concentration of particulate matter shall be determined by using method 5. Traversing during sampling by method 5 shall be according to method 1. The minimum sampling time shall be 2 hours and the minimum sampling volume shall be 60 ft^3 ($1.70m^3$) corrected to standard conditions on a dry basis.

(ii) The volumetric flow rate of the total effluent shall be determined by using method 2 and traversing according to method 1. Gas analysis shall be performed using the integrated sample technique of method 3, and moisture content shall be determined by the condenser technique of method 4.

(iii) All tests shall be conducted while the source is operating at the maximum production or combustion rate at which such source will be operated. During the tests, the source shall burn fuels or combinations of fuels, use raw materials, and maintain process conditions representative of normal operation, and shall operate under such

(iii) Continued

other relevant conditions as the Administrator shall specify.

(10.0) 52.129 Review of New Sources and Modifications

(c) Regulation for Review of New Sources and Modifications

(1) The requirements of this paragraph are applicable to any stationary source in Pima County in the Phoenix-Tucson Intrastate Region (81.36 of this chapter), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any new source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, stack data, and the nature and amount of emissions. Such information shall be sufficient to enable the Administrator to make any determination pursuant to paragraph (c)(3) of this section.

(v) Any additional information, plans, specifications, evidence or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will not prevent or interfere with attainment or maintenance of any national standard.

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (c)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (c)(4) (ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with any local, State or Federal regulation which is part of the applicable plan.

(7) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 20.0 grain H_2S per 100 $stdft^3$ (45.8 g/100 $stdm^3$); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analysis.

(vi) Other sources of minor significance specified by the Administrator.

(8) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(d) Regulation for Review of New Sources and Modifications: Federal Regulations.

(1) This requirement is applicable to any stationary source subject to the requirements of 52.126 (b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation, without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will operate without causing a violation of 52.126 (b).

(4) (i) Within twenty (20) days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (d)(4)(ii) of this section, shall be the date on which all required information is received by the Administrator.

(ii) Within thirty (30) days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials, submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this paragraph shall be sent to the applicant and to state and local air pollution control agencies, having cognizance over the location where the source will be situated.

(iv) Public comments submitted in writing within thirty (30) days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than ten (10) days after the close of the public comment period, the applicant may submit a written response to any comment submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within thirty (30) days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (d)(4)(ii), (iv) or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(5) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require.

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(6) The Administrator may cancel an approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(7) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date.

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(8) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of the results of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 15 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of 52.126 (b).

(9) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, Federal regulations which are part of the applicable plan.

(10) Approval to construct or modify shall not be required for:

(i) The installation or alteration of an air pollutant detector, air pollutants recorder, combustion controller, or combustion shutoff.

(ii) Air-conditioning or ventilating systems not designed to remove air pollutants generated by or released from equipment.

(iii) Fuel burning equipment, other than smokehouse generators, which has a heat input of not more than 250 MBtu/h (62.5 billion g-cal/h) and burns only gaseous fuel containing not more than 20.0 grain H_2S per 100 stdft^3 (45.8 g/100 stdm^3); has a heat input of not more than 1 MBtu/h (250 Mg-cal/h) and burns only distillate oil; or has a heat input of not more than 350,000 Btu/h (88.2 Mg-cal/h) and burns any other fuel.

(iv) Mobile internal combustion engines.

(v) Laboratory equipment used exclusively for chemical or physical analyses.

(vi) Other sources of minor significance specified by the Administrator.

(11) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(f) Regulations for Review of New or Modified Indirect Sources.

The provisions of 52.22(b) are hereby incorporated by reference and made a part of the applicable implementation plan for the State of Arizona.

(10.0) 52.129 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000 or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(9.0) 52.130 Source Surveillance
(13.0)

(c) Regulation for Source Recordkeeping and Reporting

(1) The owner or operator of any stationary source in the counties of Gila, Pinal, and Santa Cruz in the Phoenix-Tucson Intrastate Region (81.36 of this chapter); or the Arizona portions of the Four Corners, Clark-Mohave, or Arizona-New Mexico Southern Border Interstate Regions (81.121, 81.80, and 81.99 of this chapter), shall, upon notification from the Administrator, maintain records of the nature and amounts of emissions from such source or any other information as may be deemed necessary by the Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures.

(2) The information recorded shall be summarized and reported to the Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1 to June 30 and July 1 to December 31, except that the initial reporting period shall commence on the date the Administrator issues notification of the recordkeeping requirements.

(3) Information recorded by the owner or operator and copies of the summarizing reports submitted to the Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures. All such emission data will be available during normal business hours at the regional office (region IX). The Administrator will designate one or more places in Arizona where such emission data and correlations will be available for public inspection.

(37 FR 15081, July 27, 1972, as amended at 38 FR 12705, May 14, 1973; 38 FR 16564, June 22, 1973)

(12.0) 52.132 Transportation Control Compliance Schedule

(6.0) The requirements of 51.14 are not fully met with respect to transportation control measures.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at 6,000 lb. GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered vehicle rated at more than 6,000 lb. GVW and less than 10,000 lb. GVW.

(4) "Air bleed control device" means a system or device (such as a modification to the engine's carburetor) that results in engine operation at an increased air-fuel ratio so as to achieve reduction in exhaust emissions of hydrocarbon and carbon monoxide from 1967 and earlier light-duty vehicles of at least 21 and 58 percent respectively.

(5) "Air bleed/exhaust gas recirculation device" means a system or device (such as modification of the engine's carburetor or positive crankcase ventilation system) that results in engine operation at an increased air-fuel ratio so as to achieve reductions of hydrocarbons and carbon monoxide of 25 percent and 40 percent, respectively, from light-duty vehicles of model years 1968 through 1971.

(6) "Oxidizing catalyst" means a device installed in the exhaust system of the vehicle that utilizes a catalyst and, if necessary, an air pump to reduce emission of hydrocarbons and carbon monoxide by 50 percent from that vehicle.

(7) All other terms used in this paragraph that are defined in Appendix N to Part 51 of this chapter, are used herein with the meaning therein defined.

(b) This section is applicable in Maricopa and Pima Counties in the Phoenix-Tucson Intrastate Region.

(c) To implement the approved control measures specified in Sections 5 and 7 of the plan submitted September 11, 1973, and to complete the requirements of 51.11 (b), 51.14 and 51.15 of this chapter, the State of Arizona must submit to the Administrator:

(1) No later than February 1, 1974, detailed compliance schedules showing the steps the State of Arizona will take to establish the inspection and maintenance program for light-duty and medium-duty vehicles: the program for retrofit of air bleed devices on pre-1968 light-duty vehicles, of air bleed/exhaust gas recirculation devices on 1968 through 1971 light-duty vehicles, and of oxidizing catalytic convertors on 1973 through 1975 light-duty vehicles; and the gaseous fuel conversion program.

(2) No later than January 1, 1974, a compliance schedule for the employee carpool incentive program outlined in section 8 of the State of Arizona Air Pollution Control Strategies. This compliance schedule shall conform to the requirements of 52.137.

(3) No later than January 1, 1974, a compliance schedule for the carpool matching program shall conform to the requirements of 52.138.

(d) Under the approved inspection and maintenance program referred to in paragraph (c)(1) of this section, the State shall:

(1) Inspect all such motor vehicles at periodic intervals at least once each year;

(2) Apply inspection failure criteria consistent with the emission reductions claimed in the plan for the strategy.

(3) Require that filed vehicles receive, the maintenance necessary to achieve compliance with the inspection standards and retest failed vehicles following maintenance;

(4) Designate an agency or agencies responsible for conducting the inspection and maintenance program.

(d-1) The State after July 1, 1975, shall not register or allow to operate on its highways any light-duty or medium-duty vehicle that does not comply with the applicable requirements of the approved inspection and maintenance program established according to paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(d-2) After July 1, 1976, no owner of a light-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable requirements of the approved inspection and maintenance program established according to paragraph (d) of this section. This shall not apply to the initial registration of a new motor vehicle.

(d-3) The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles).

(e) The regulations adopted to implement the approved retrofit programs referred to in paragraph (c)(1) of this section shall include as a minimum:

(1) Requirements that on or before May 3, 1977, all gasoline-powered fleet vehicles, all private light-duty vehicles of 1973 through 1975 model years subject to registration in Maricopa and Pima Counties, shall be equipped with an appropriate oxidizing catalyst control device.

(2) Requirements that on or before August 1, 1976, all gasoline-powered, light-duty vehicles of model year 1968 to 1971 subject under presently existing legal requirements to registration in Maricopa and Pima Counties, shall be equipped with an air bleed/exhaust gas recirculation control device.

(3) Requirements that on or before August 1, 1976, all gasoline-powered, light-duty vehicles of model years prior to 1968 subject to registration in Maricopa and Pima Counties, shall be equipped with an appropriate air bleed device. The State may exempt any class or category of vehicles that the State finds are rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that air bleed retrofit devices are not commercially available.

(6.0) 52.134 Federal Compliance Schedule

(1) Except as provided in paragraph (a)(2) of this section, the owner or operator of any stationary source subject to 52.126 (b) shall comply with such regulation on or before January 31, 1974. The owner or operator of the source subject to 52.125 (c) shall comply with such regulation at initial start-up of such source unless a compliance schedule has been submitted pursuant to paragraph (a)(2) of this section.

   (i) Any owner or operator in compliance with 52.126 (b) on the effective date of this regulation shall certify such compliance to the Administrator no later than 120 days following the effective date of this paragraph.

   (ii) Any owner or operator who achieves compliance with 52.125 (c) or 52.126 (b) after the effective date of this regulation shall certify such compliance to the Administrator within 5 days of the date compliance is achieved.

(2) Any owner or operator of the stationary source subject to 52.125 (c) and paragraph (a)(1) of this section may, no later than July 23, 1973, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with 52.125 (c) as expeditiously as practicable but not later than July 31, 1977. Any owner or operator of a stationary source subject to 52.126 (b) and paragraph (a)(1) of this section may, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval a proposed compliance schedule that demonstrates compliance with 52.126 (b) as expeditiously as practicable but not later than July 31, 1975.

   (i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include, but not be limited to; submittal of the final control plan to the Administrator; letting of necessary contracts for construction or process change, or issuance of orders for the purchase of component parts to accomplish emission control equipment or process modification, completion of onsite construction or installation of emission control equipment or process modification and final compliance.

   (ii) Any compliance schedule for the stationary source subject to 52.125 (c) which extends beyond July 31, 1975, shall apply any reasonable interim measures of control designed to reduce the impact of such source on public health.

(3) Any owner or operator who submits a compliance schedule pursuant to this paragraph shall, within 5 days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(12.0) 52.137 Employer Carpool Incentive Program

(a) Definitions:

(1) "Metropolitan Phoenix Area" means the area bounded on the south by I-17 and Buckeye Road to the intersection with I-17, on the east by 48th Street, on the north by the Arizona Canal and Glendale Avenue, and on the west by 43rd Avenue.

(2) "Greater Tucson Area" means an area bounded by a line starting at the intersection of Sweetwater Drive and Silverbell Road, thence 7 miles east, thence 1 mile south, thence 5.5 miles east, thence 9 miles south, thence 5 miles west, thence 3.5 miles south, thence 5.5 miles west, thence 6 miles north, thence 2 miles west, thence 7.5 miles north to the point of origin.

(b) This section is applicable within the Metropolitan Phoenix and Greater Tucson areas in the Pohenix-Tucson Intrastate Air Quality Control Region

(c) On or before March 1, 1974, the State of Arizona shall submit to the Administrator a compliance schedule implementing the approved employer carpool incentive program. This compliance schedule shall, at a minimum, provide that each employer in areas specified in paragraph (b) of this section who maintains more than 200 employee parking spaces shall, on/or before April 1, 1974, submit to the State of Arizona an adequate incentive program designed to encourage the use of carpools and mass transit and discourage employees from using single-passenger automobiles to commute to work. Each program should contain provisions for preferential parking, covered parking and other benefits to employees who travel to work by carpool; subsidies to employees who use mass transit, reductions in the number of employee parking spaces or surcharges on the use of such spaces by employees; provision of special charter buses or other modes of mass transit for the use of employees; and/or any other measures acceptable to the Administrator. By June 1, 1974, the State of Arizona shall submit each programs so received, together with the State's evaluation of the program and the State's recommendation as to whether the program should be approved or disapproved, to the Administrator.

(d) On or before August 1, 1974, the Administrator shall approve or disapprove each program so submitted. Notice of such approval or disapproval shall be published in this Part 52.

(e) In order to be approvable by the Administrator, each program shall contain procedures whereby the employer will supply the State of Arizona and the Administrator with semi-annual certified reports. The semi-annual periods are January 1 to June 30 and July 1 to December 31, and the certified reports required by this section shall be submitted within 45 days after the end of each reporting period. The first such report shall be submitted no later than August 15, 1974.

Such reports shall show, at a minimum, the following information:

(1) The number of employees at each of the employer's facilities within the areas specified in paragraph (b) of this section on December 31, 1973, and as of the date of the report.

(2) The number of (i) free and (ii) non-free employee parking spaces provided by the employer at each such employment facility on December 31, 1973, and as of the date of the report.

(3) The number of employees regularly commuting to and from work by (i) private automobile, (ii) carpool, and (iii) mass transit at each such employment facility on December 31, 1973, and as of the date of the report.

(4) Such other information as the Administrator may prescribe.

(f) If after the Administrator has approved a carpool incentive program, the employer fails to submit any reports in full compliance with paragraph (e) of this section, or if the Administrator finds that any such report has been intentionally falsified, or if the Administrator determines that the program is not in operation or is not providing adequate incentives for employee use of carpools and mass transit, the Administrator may revoke the approval of such plan. Such revocation shall constitute a disapproval.

(g) By September 1, 1974, the Administrator shall prescribe a carpool incentive program for each employer to whom paragraph (b) of this section is applicable if such employer has not submitted a program. By October 1, 1974, the Administrator shall prescribe a carpool incentive program for each employer to whom paragraph (b) of this section is applicable if the program submitted is not adequate. Within 2 months after any revocation pursuant to paragraph (f) of this section, the Administrator shall prescribe a carpool incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52.

(h) All programs approved under paragraph (d) or promulgated under paragraph (g) on account of an initial failure to submit a plan shall be fully implemented on or before November 1, 1974.

(i) Each employer in the Region who maintains more than 70 employee parking spaces shall, on or before April 1, 1975, submit to the Administrator an adequate annual incentive program conforming to the requirements of paragraphs (b) and (e) of this section, except that in paragraph (e) of this section the reference date for reports shall be October 15, 1974, rather than January 1, 1974. Each such program shall be subject to approval or disapproval by the Administrator by June 1, 1975. Each such program, when approved, shall be subject to revocation as provided in paragraph (f) of this section.

(j) By June 1, 1975, the Administrator shall prescribe a carpool incentive program for each employer to which paragraph (i) of this section is applicable if such employer has not submitted a program. By August 1, 1975, the Administrator shall prescribe a carpool incentive program for each employer to which paragraph (i) of this section is applicable if the program submitted is not adequate. Within 2 months after any revocation of any program of any employer pursuant to paragraph (f) of this section, the Administrator shall prescribe a carpool incentive program for the affected employer. Any program prescribed by the Administrator shall be published in this Part 52. All such programs shall be fully implemented on or before September 1, 1975.

(38 FR 33374, Dec. 3, 1973, as amended at 39 FR 32112, Sept. 5, 1974)

(12.0) 52.138 Bus/Carpool Matching Program

(a) Definitions:

(1) "Metropolitan Phoenix Area" means the area bounded on the south by I-17 and Buckeye Road to the intersection with I-17, on the east by 48th Street, on the north by the Arizona Canal and Glendale Avenue, and on the west by 43rd Avenue.

(2) "Greater Tucson Area" means an area bounded by a line starting at the intersection of Sweetwater Drive and Silverbell Road, thence 7 miles east, thence 1 mile south, thence 5.5 miles east, thence 9 miles south, thence 5 miles west, thence 3.5 miles south, thence 5.5 miles west, thence 6 miles north, thence 2 miles west, thence 7.5 miles north to the point of origin.

(b) This section is applicable within the Metropolitan Phoenix Area and Greater Tucson Area in Phoenix-Tucson Intrastate Air Quality Control Region.

(c) On or before March 1, 1974, the State of Arizona shall submit to the Administrator a compliance schedule for implementing the approved bus/carpool matching program. This compliance schedule shall, at a minimum, provide for implementation of the program in the following phases:

(1) On or before May 1, 1974 bus/carpool matching shall be made available to the following employees:

(i) Phoenix state capital area. At least 10,000 employees whose work location is within the area bounded by Van Buren Street on the north, Jefferson Street on the south, Central Avenue on the east, and 19th Avenue on the west.

(ii) Tucson central business district. At least 2,000 employees whose work location is within an area bounded by a circle of 2-mile radius centered at the intersection of Congress Street and Stone Avenue.

(2) On or before November 1, 1974, bus/carpool matching shall be made available to the following employees:

(i) Metropolitan Phoenix Area. All employees in businesses having more than 250 employees.

(ii) Greater Tucson Area. All employees in businesses having more than 100 employees.

(3) On or before September 1, 1975, bus/carpool matching shall be made available to the following employees:

(i) Metropolitan Phoenix Area. All employees in businesses having more than 50 employees.

(ii) Greater Tucson Area. All employees in businesses having more than 50 employees.

(d) The compliance schedule shall also include the following:

(1) A method of collecting information that shall include the following as a minimum:

(i) Provisions that each affected employee receive an application form with a cover letter describing the matching program.

(ii) Provisions on each application form for applicant identification of time, origin, and destination.

(iii) Provisions for each applicant to receive a list of names and work phone numbers of all other applicants who have similar origins and destinations and whose work hours most nearly match theirs.

(2) A manual or computer method of matching information that will have provisions for locating each applicant's origin and destination within a grid system in the urban area and the semi-rural region surrounding the Metropolitan Phoenix Area and the Greater Tucson Area and matching applicants with identical origin and destination grids and compatible work schedules.

(3) A method for providing continuing service such that the master list of all applicants is retained and available for use by new applicants, applications are currently available, and the master list is periodically updated to remove applicants who have moved from the area.

(4) An agency or agencies responsible for operating, overseeing, and maintaining the bus/carpool matching program.

(38 FR 33375, Dec. 3, 1973, as amended at 39 FR 32112, Sept. 5, 1974)

(12.0) 52.140 Monitoring Transportation Trends

(a) This section is applicable to the State of Arizona.

(b) In order to assure the effectiveness of the inspection and maintenance program and the retrofit devices required under the Arizona implementation plan, the State shall monitor the actual per-vehicle emissions reductions occurring as a result of such measures. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State in accordance with 51.7 of this chapter. The first quarterly report shall cover the period January 1 to March 31, 1976.

(c) In order to assure the effective implementation of 52.137, 52.138 and 52.139, the State shall monitor vehicle miles traveled and average vehicle speeds for each area in which such sections are in effect and during such time periods as may be appropriate to evaluate the effectiveness of such a program. All data obtained from such monitoring shall be included in the quarterly report submitted to the Administrator by the State of Arizona in accordance with 51.7 of this chapter. The first quarterly report shall cover the period from July 1 to September 30, 1974. The vehicle miles traveled and vehicle speed data shall be collected on a monthly basis and submitted in a format similar to Table I.

TABLE I.

Time period . . . .
Affected area . . . .

ROADWAY TYPE	VMT or Average Vehicle Speed	
	Vehicle type (1)	Vehicle type (2)*
Freeway		
Arterial		
Collector		
Local		

*Continue with other vehicle types as appropriate

(d) No later than March 1, 1974, the State shall submit to the Administrator a compliance schedule to implement this section. The program description shall include the following:

(1) The agency or agencies responsible for conducting, overseeing, and maintaining the monitoring program.

(2) The administrative procedures to be used.

(3) A description of the methods to be used to collect the emission data, VMT data, and vehicle speed data; a description of the geographical area to which the data apply; identification of the location at which the data will be collected; and the time periods during which the data will be collected.

(e) The quarterly reports specified in paragraphs (b) and (c) of this section shall be submitted to the Administrator through the Regional Office, and shall be due within 45 days after the end of each reporting period.

(38 FR 33376, Dec. 3, 1973, as amended at 39 FR 32113, Sept. 5, 1974)

(17.0) 52.144 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Area Designations

Pollutant	Class I (ug/m^3)	Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(2) (i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (iii) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(39 FR 42514, Dec. 5, 1974; 40 FR 2802, Jan. 16, 1975, as amended at 40 FR 24535, June 9, 1975; 40 FR 25005, June 12, 1975; 40 FR 42012, Sept. 10, 1975)